Court File No.: T-962-22

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

JOHN C. TURMEL

Respondent

APPLICANT'S RECORD

VOLUME 3 of 8

ATTORNEY GENERAL OF CANADA
Department of Justice Canada
Ontario Regional Office
National Litigation Sector
120 Adelaide Street West, Suite 400
Toronto, Ontario M5H 1T1

Per: Jon Bricker
Tel: 647-256-7473
E-mail: jon.bricker@justice.gc.ca

Solicitor for the Applicant

TO: John C. Turmel
50 Brant Avenue
Brantford, Ontario
N3T 3G7

Respondent

AND TO: The Administrator
Federal Court of Canada
180 Queen Street West
Suite 200
Toronto, Ontario
M5V L6

Court File No.: T-962-22

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

JOHN C. TURMEL

Respondent

VOLUME 3

VOLUME 7

THIS IS EXHIBIT "25" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140401

Docket: A-152-14

Ottawa, Ontario, April 1, 2014

CORAM: **BLAIS C.J.**
STRATAS J.A.
SCOTT J.A.

BETWEEN:

RAYMOND J. TURMEL

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The motion brought before this Court is for the consolidation of the appellant's appeal with that of John C. Turmel as well as for "an interim constitutional exemption from the prohibition on marihuana in the CDSA for the appellant's personal medical use pending this appeal or the trial of the action below".

The Court has carefully reviewed the material filed before the Federal Court and the Federal Court of Appeal.

UPON noting that the underlying action in the Federal Court seeking a declaration pursuant to section 52 of the *Canadian Charter of Rights and Freedoms* (Charter) that the changes to the *Marihuana Medical Access Regulations* (MMAR) and the *Marihuana for Medical Purposes Regulations* (MMPR) are unconstitutional;

UPON noting that the changes to the MMAR come into force on April 1, 2014;

UPON noting that the appellant filed a motion seeking interim interlocutory relief pursuant to section 24(1) of the Charter with regards to the changes to the Regulations;

UPON noting that a direction was issued by Chief Justice Crampton on March 7, 2014 staying the proceedings pending the determination of the plaintiff's motion in court file T-2030-13 (*Neil Allard et al. v. HMTQ*);

UPON by the above direction, Chief Justice Crampton staying other motions seeking the same or similar relief pending the determination of the plaintiff's motion in T-2030-13;

UPON noting that the hearing of a motion for interim or interlocutory relief was held in file T-2030-13 on March 18, 2014 in Vancouver;

UPON noting that a decision on the said motion was rendered on March 21, 2014 by Justice Manson of the Federal Court;

UPON being satisfied that Chief Justice Crampton's direction was limited in time and only effective until a decision on the motion in file T-2030-13 was rendered;

UPON being satisfied that Justice Manson's decision of March 21, 2014 had the effect to lift the stay directed by Chief Justice Crampton in his direction of March 7, 2014;

UPON noting that John C. Turmel's application for extension of time to commence an appeal has been denied for mootness and therefore, it cannot be consolidated with this appeal;

UPON being satisfied that this motion and the underlying appeal are both moot;

The motion and the appeal are therefore both dismissed.

"Pierre Blais"
Chief Justice

"DS"

"AFS"

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140401

Docket: A-153-14

Ottawa, Ontario, April 1, 2014

CORAM: **BLAIS C.J.**
STRATAS J.A.
SCOTT J.A.

BETWEEN:

HENRIETTE McINTYRE

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The motion brought before this Court is for the consolidation of the appellant's appeal with that of John C. Turmel as well as for "an interim constitutional exemption from the prohibition on marihuana in the CDSA for the appellant's personal medical use pending this appeal or the trial of the action below".

The Court has carefully reviewed the material filed before the Federal Court and the Federal Court of Appeal.

UPON noting that the underlying action in the Federal Court seeking a declaration pursuant to section 52 of the *Canadian Charter of Rights and Freedoms* (Charter) that the changes to the *Marihuana Medical Access Regulations* (MMAR) and the *Marihuana for Medical Purposes Regulations* (MMPR) are unconstitutional;

UPON noting that the changes to the MMAR come into force on April 1, 2014;

UPON noting that the appellant filed a motion seeking interim interlocutory relief pursuant to section 24(1) of the Charter with regards to the changes to the Regulations;

UPON noting that a direction was issued by Chief Justice Crampton on March 7, 2014 staying the proceedings pending the determination of the plaintiff's motion in court file T-2030-13 (*Neil Allard et al. v. HMTQ*);

UPON by the above direction, Chief Justice Crampton staying other motions seeking the same or similar relief pending the determination of the plaintiff's motion in T-2030-13;

UPON noting that the hearing of a motion for interim or interlocutory relief was held in file T-2030-13 on March 18, 2014 in Vancouver;

UPON noting that a decision on the said motion was rendered on March 21, 2014 by Justice Manson of the Federal Court;

UPON being satisfied that Chief Justice Crampton's direction was limited in time and only effective until a decision on the motion in file T-2030-13 was rendered;

UPON being satisfied that Justice Manson's decision of March 21, 2014 had the effect to lift the stay directed by Chief Justice Crampton in his direction of March 7, 2014;

UPON noting that John C. Turmel's application for extension of time to commence an appeal has been denied for mootness and therefore, it cannot be consolidated with this appeal;

UPON being satisfied that this motion and the underlying appeal are both moot;

The motion and the appeal are therefore both dismissed.

"Pierre Blais"
Chief Justice

"DS"

"AFS"

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140401

Docket: A-154-14

Ottawa, Ontario, April 1, 2014

CORAM: **BLAIS C.J.**
STRATAS J.A.
SCOTT J.A.

BETWEEN:

BELA LASZLO BEKE

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The motion brought before this Court is for the consolidation of the appellant's appeal with that of John C. Turmel as well as for "an interim constitutional exemption from the prohibition on marihuana in the CDSA for the appellant's personal medical use pending this appeal or the trial of the action below".

The Court has carefully reviewed the material filed before the Federal Court and the Federal Court of Appeal.

UPON noting that the underlying action in the Federal Court seeking a declaration pursuant to section 52 of the *Canadian Charter of Rights and Freedoms* (Charter) that the changes to the *Marihuana Medical Access Regulations* (MMAR) and the *Marihuana for Medical Purposes Regulations* (MMPR) are unconstitutional;

UPON noting that the changes to the MMAR come into force on April 1, 2014;

UPON noting that the appellant filed a motion seeking interim interlocutory relief pursuant to section 24(1) of the Charter with regards to the changes to the Regulations;

UPON noting that a direction was issued by Chief Justice Crampton on March 7, 2014 staying the proceedings pending the determination of the plaintiff's motion in court file T-2030-13 (*Neil Allard et al. v. HMTQ*);

UPON by the above direction, Chief Justice Crampton staying other motions seeking the same or similar relief pending the determination of the plaintiff's motion in T-2030-13;

UPON noting that the hearing of a motion for interim or interlocutory relief was held in file T-2030-13 on March 18, 2014 in Vancouver;

UPON noting that a decision on the said motion was rendered on March 21, 2014 by Justice Manson of the Federal Court;

UPON being satisfied that Chief Justice Crampton's direction was limited in time and only effective until a decision on the motion in file T-2030-13 was rendered;

UPON being satisfied that Justice Manson's decision of March 21, 2014 had the effect to lift the stay directed by Chief Justice Crampton in his direction of March 7, 2014;

UPON noting that John C. Turmel's application for extension of time to commence an appeal has been denied for mootness and therefore, it cannot be consolidated with this appeal;

UPON being satisfied that this motion and the underlying appeal are both moot;

The motion and the appeal are therefore both dismissed.

"Pierre Blais"
Chief Justice

"DS"

"AFS"

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140401

Docket: A-156-14

Ottawa, Ontario, April 1, 2014

CORAM: **BLAIS C.J.**
STRATAS J.A.
SCOTT J.A.

BETWEEN:

LAURENCE CHERNIAK

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The motion brought before this Court is for the consolidation of the appellant's appeal with that of John C. Turmel as well as for "an interim constitutional exemption from the prohibition on marihuana in the CDSA for the appellant's personal medical use pending this appeal or the trial of the action below".

The Court has carefully reviewed the material filed before the Federal Court and the Federal Court of Appeal.

UPON noting that the underlying action in the Federal Court seeking a declaration pursuant to section 52 of the *Canadian Charter of Rights and Freedoms* (Charter) that the changes to the *Marihuana Medical Access Regulations* (MMAR) and the *Marihuana for Medical Purposes Regulations* (MMPR) are unconstitutional;

UPON noting that the changes to the MMAR come into force on April 1, 2014;

UPON noting that the appellant filed a motion seeking interim interlocutory relief pursuant to section 24(1) of the Charter with regards to the changes to the Regulations;

UPON noting that a direction was issued by Chief Justice Crampton on March 7, 2014 staying the proceedings pending the determination of the plaintiff's motion in court file T-2030-13 (*Neil Allard et al. v. HMTQ*);

UPON by the above direction, Chief Justice Crampton staying other motions seeking the same or similar relief pending the determination of the plaintiff's motion in T-2030-13;

UPON noting that the hearing of a motion for interim or interlocutory relief was held in file T-2030-13 on March 18, 2014 in Vancouver;

UPON noting that a decision on the said motion was rendered on March 21, 2014 by Justice Manson of the Federal Court;

UPON being satisfied that Chief Justice Crampton's direction was limited in time and only effective until a decision on the motion in file T-2030-13 was rendered;

UPON being satisfied that Justice Manson's decision of March 21, 2014 had the effect to lift the stay directed by Chief Justice Crampton in his direction of March 7, 2014;

UPON noting that John C. Turmel's application for extension of time to commence an appeal has been denied for mootness and therefore, it cannot be consolidated with this appeal;

UPON being satisfied that this motion and the underlying appeal are both moot;

The motion and the appeal are therefore both dismissed.

"Pierre Blais
Chief Justice

"DS"

"AFS"

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140401

Docket: A-157-14

Ottawa, Ontario, April 1, 2014

CORAM: **BLAIS C.J.**
STRATAS J.A.
SCOTT J.A.

BETWEEN:

SAMUEL MELLACE

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The motion brought before this Court is for the consolidation of the appellant's appeal with that of John C. Turmel as well as for "an interim constitutional exemption from the prohibition on marihuana in the CDSA for the appellant's personal medical use pending this appeal or the trial of the action below".

The Court has carefully reviewed the material filed before the Federal Court and the Federal Court of Appeal.

UPON noting that the underlying action in the Federal Court seeking a declaration pursuant to section 52 of the *Canadian Charter of Rights and Freedoms* (Charter) that the changes to the *Marihuana Medical Access Regulations* (MMAR) and the *Marihuana for Medical Purposes Regulations* (MMPR) are unconstitutional;

UPON noting that the changes to the MMAR come into force on April 1, 2014;

UPON noting that the appellant filed a motion seeking interim interlocutory relief pursuant to section 24(1) of the Charter with regards to the changes to the Regulations;

UPON noting that a direction was issued by Chief Justice Crampton on March 7, 2014 staying the proceedings pending the determination of the plaintiff's motion in court file T-2030-13 (*Neil Allard et al. v. HMTQ*);

UPON by the above direction, Chief Justice Crampton staying other motions seeking the same or similar relief pending the determination of the plaintiff's motion in T-2030-13;

UPON noting that the hearing of a motion for interim or interlocutory relief was held in file T-2030-13 on March 18, 2014 in Vancouver;

UPON noting that a decision on the said motion was rendered on March 21, 2014 by Justice Manson of the Federal Court;

UPON being satisfied that Chief Justice Crampton's direction was limited in time and only effective until a decision on the motion in file T-2030-13 was rendered;

UPON being satisfied that Justice Manson's decision of March 21, 2014 had the effect to lift the stay directed by Chief Justice Crampton in his direction of March 7, 2014;

UPON noting that John C. Turmel's application for extension of time to commence an appeal has been denied for mootness and therefore, it cannot be consolidated with this appeal;

UPON being satisfied that this motion and the underlying appeal are both moot;

The motion and the appeal are therefore both dismissed.

"Pierre Blais"
Chief Justice

"DS"

"AFS"

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140401

Docket: A-158-14

Ottawa, Ontario, April 1, 2014

CORAM: **BLAIS C.J.**
STRATAS J.A.
SCOTT J.A.

BETWEEN:

TERRANCE PARKER

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The motion brought before this Court is for the consolidation of the appellant's appeal with that of John C. Turmel as well as for "an interim constitutional exemption from the prohibition on marihuana in the CDSA for the appellant's personal medical use pending this appeal or the trial of the action below".

The Court has carefully reviewed the material filed before the Federal Court and the Federal Court of Appeal.

UPON noting that the underlying action in the Federal Court seeking a declaration pursuant to section 52 of the *Canadian Charter of Rights and Freedoms* (Charter) that the changes to the *Marihuana Medical Access Regulations* (MMAR) and the *Marihuana for Medical Purposes Regulations* (MMPR) are unconstitutional;

UPON noting that the changes to the MMAR come into force on April 1, 2014;

UPON noting that the appellant filed a motion seeking interim interlocutory relief pursuant to section 24(1) of the Charter with regards to the changes to the Regulations;

UPON noting that a direction was issued by Chief Justice Crampton on March 7, 2014 staying the proceedings pending the determination of the plaintiff's motion in court file T-2030-13 (*Neil Allard et al. v. HMTQ*);

UPON by the above direction, Chief Justice Crampton staying other motions seeking the same or similar relief pending the determination of the plaintiff's motion in T-2030-13;

UPON noting that the hearing of a motion for interim or interlocutory relief was held in file T-2030-13 on March 18, 2014 in Vancouver;

UPON noting that a decision on the said motion was rendered on March 21, 2014 by Justice Manson of the Federal Court;

UPON being satisfied that Chief Justice Crampton's direction was limited in time and only effective until a decision on the motion in file T-2030-13 was rendered;

UPON being satisfied that Justice Manson's decision of March 21, 2014 had the effect to lift the stay directed by Chief Justice Crampton in his direction of March 7, 2014;

UPON noting that John C. Turmel's application for extension of time to commence an appeal has been denied for mootness and therefore, it cannot be consolidated with this appeal;

UPON being satisfied that this motion and the underlying appeal are both moot;

The motion and the appeal are therefore both dismissed.

"Pierre Blais"
Chief Justice

"DS"

"AFS"

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140401

Dockets: 14-A-15
T-488-14

Ottawa, Ontario, April 1, 2014

Present: **BLAIS C.J.**

BETWEEN:

JOHN C. TURMEL

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The motion brought before the Court is a motion seeking:

1) an extension of time to file the notice of appeal;

2) the consolidation of the appeals against the March 7 and March 10, 2014 judgments of Justice Crampton; and including the other plaintiffs below whose actions were stayed but have not yet been appealed in any relief this Court may grant.

3) an interim constitutional exemption from the prohibitions on marihuana in the CDSA for the plaintiff's personal medical use pending trial of the action;

The Court has carefully reviewed the material filed before the Federal Court and the Federal Court of Appeal in related files.

UPON noting that the underlying action in the Federal Court seeking a declaration pursuant to section 52 of the *Canadian Charter of Rights and Freedoms* (Charter) that the changes to the *Marihuana Medical Access Regulations* (MMAR) and the *Marihuana for Medical Purposes Regulations* (MMPR) are unconstitutional;

UPON noting that the changes to the MMAR come into force on April 1, 2014;

UPON noting that the appellant filed a motion seeking interim interlocutory relief pursuant to section 24(1) of the Charter with regards to the changes to the Regulations;

UPON noting that a direction was issued by Chief Justice Crampton on March 7, 2014 staying the proceedings pending the determination of the plaintiff's motion in court file T-2030-13 (*Neil Allard et al. v. HMTQ*);

UPON by the above direction, Chief Justice Crampton staying other motions seeking the same or similar relief pending the determination of the plaintiff's motion in T-2030-13;

UPON noting that the hearing of a motion for interim or interlocutory relief was held in file T-2030-13 on March 18, 2014 in Vancouver;

UPON noting that a decision on the said motion was rendered on March 21, 2014 by Justice Manson of the Federal Court;

UPON being satisfied that Chief Justice Crampton's direction was limited in time and only effective until a decision on the motion in file T-2030-13 was rendered;

UPON being satisfied that Justice Manson's decision of March 21, 2014 had the effect to lift the stay directed by Chief Justice Crampton in his direction of March 7, 2014;

UPON being satisfied that this motion is moot;

The motion is therefore dismissed

"Pierre Blais"
Chief Justice

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140401

Dockets: 14-A-16
T-543-14

Ottawa, Ontario, April 1, 2014

Present: **BLAIS C.J.**

BETWEEN:

MICHAEL K. SPOTTISWOOD

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The motion brought before the Court is a motion seeking:

1) an extension of time to file the notice of appeal;

2) the consolidation of the appeals against the March 7 and March 10, 2014 judgments of Justice Crampton; and including the other plaintiffs below whose actions were stayed but have not yet been appealed in any relief this Court may grant.

3) an interim constitutional exemption from the prohibitions on marihuana in the CDSA for the plaintiff's personal medical use pending trial of the action;

The Court has carefully reviewed the material filed before the Federal Court and the Federal Court of Appeal in related files.

UPON noting that the underlying action in the Federal Court seeking a declaration pursuant to section 52 of the *Canadian Charter of Rights and Freedoms* (Charter) that the changes to the *Marihuana Medical Access Regulations* (MMAR) and the *Marihuana for Medical Purposes Regulations* (MMPR) are unconstitutional;

UPON noting that the changes to the MMAR come into force on April 1, 2014;

UPON noting that the appellant filed a motion seeking interim interlocutory relief pursuant to section 24(1) of the Charter with regards to the changes to the Regulations;

UPON noting that a direction was issued by Chief Justice Crampton on March 7, 2014 staying the proceedings pending the determination of the plaintiff's motion in court file T-2030-13 (*Neil Allard et al. v. HMTQ*);

UPON by the above direction, Chief Justice Crampton staying other motions seeking the same or similar relief pending the determination of the plaintiff's motion in T-2030-13;

UPON noting that the hearing of a motion for interim or interlocutory relief was held in file T-2030-13 on March 18, 2014 in Vancouver;

UPON noting that a decision on the said motion was rendered on March 21, 2014 by Justice Manson of the Federal Court;

UPON being satisfied that Chief Justice Crampton's direction was limited in time and only effective until a decision on the motion in file T-2030-13 was rendered;

UPON being satisfied that Justice Manson's decision of March 21, 2014 had the effect to lift the stay directed by Chief Justice Crampton in his direction of March 7, 2014;

UPON being satisfied that this motion is moot;

The motion is therefore dismissed

"Pierre Blais"
Chief Justice

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140401

Dockets: 14-A-17
T-650-14

Ottawa, Ontario, April 1, 2014

Present: **BLAIS C.J.**

BETWEEN:

GÉRARD FAUX

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The motion brought before the Court is a motion seeking:

1) an extension of time to file the notice of appeal;

2) the consolidation of the appeals against the March 7 and March 10, 2014 judgments of Justice Crampton; and including the other plaintiffs below whose actions were stayed but have not yet been appealed in any relief this Court may grant.

3) an interim constitutional exemption from the prohibitions on marihuana in the CDSA for the plaintiff's personal medical use pending trial of the action;

The Court has carefully reviewed the material filed before the Federal Court and the Federal Court of Appeal in related files.

UPON noting that the underlying action in the Federal Court seeking a declaration pursuant to section 52 of the *Canadian Charter of Rights and Freedoms* (Charter) that the changes to the *Marihuana Medical Access Regulations* (MMAR) and the *Marihuana for Medical Purposes Regulations* (MMPR) are unconstitutional;

UPON noting that the changes to the MMAR come into force on April 1, 2014;

UPON noting that the appellant filed a motion seeking interim interlocutory relief pursuant to section 24(1) of the Charter with regards to the changes to the Regulations;

UPON noting that a direction was issued by Chief Justice Crampton on March 7, 2014 staying the proceedings pending the determination of the plaintiff's motion in court file T-2030-13 (*Neil Allard et al. v. HMTQ*);

UPON by the above direction, Chief Justice Crampton staying other motions seeking the same or similar relief pending the determination of the plaintiff's motion in T-2030-13;

UPON noting that the hearing of a motion for interim or interlocutory relief was held in file T-2030-13 on March 18, 2014 in Vancouver;

UPON noting that a decision on the said motion was rendered on March 21, 2014 by Justice Manson of the Federal Court;

UPON being satisfied that Chief Justice Crampton's direction was limited in time and only effective until a decision on the motion in file T-2030-13 was rendered;

UPON being satisfied that Justice Manson's decision of March 21, 2014 had the effect to lift the stay directed by Chief Justice Crampton in his direction of March 7, 2014;

UPON being satisfied that this motion is moot;

The motion is therefore dismissed

"Pierre Blais"
Chief Justice

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140401

Dockets: 14-A-18
T-488-14

Ottawa, Ontario, April 1, 2014

Present: **BLAIS C.J.**

BETWEEN:

JOHN C. TURMEL

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The motion brought before the Court is a motion seeking:

1) an extension of time to file the notice of appeal;

2) the consolidation of the appeals against the March 7 and March 10, 2014 judgments of Justice Crampton; and including the other plaintiffs below whose actions were stayed but have not yet been appealed in any relief this Court may grant.

3) an interim constitutional exemption from the prohibitions on marihuana in the CDSA for the plaintiff's personal medical use pending trial of the action;

4) a date of March 25 to hear a motion on short notice.

The Court has carefully reviewed the material filed before the Federal Court and the Federal Court of Appeal in related files.

UPON noting that the underlying action in the Federal Court seeking a declaration pursuant to section 52 of the *Canadian Charter of Rights and Freedoms* (Charter) that the changes to the *Marihuana Medical Access Regulations* (MMAR) and the *Marihuana for Medical Purposes Regulations* (MMPR) are unconstitutional;

UPON noting that the changes to the MMAR come into force on April 1, 2014;

UPON noting that the appellant filed a motion seeking interim interlocutory relief pursuant to section 24(1) of the Charter with regards to the changes to the Regulations;

UPON noting that a direction was issued by Chief Justice Crampton on March 7, 2014 staying the proceedings pending the determination of the plaintiff's motion in court file T-2030-13 (*Neil Allard et al. v. HMTQ*);

UPON by the above direction, Chief Justice Crampton staying other motions seeking the same or similar relief pending the determination of the plaintiff's motion in T-2030-13;

UPON noting that the hearing of a motion for interim or interlocutory relief was held in file T-2030-13 on March 18, 2014 in Vancouver;

UPON noting that a decision on the said motion was rendered on March 21, 2014 by Justice Manson of the Federal Court;

UPON being satisfied that Chief Justice Crampton's direction was limited in time and only effective until a decision on the motion in file T-2030-13 was rendered;

UPON being satisfied that Justice Manson's decision of March 21, 2014 had the effect to lift the stay directed by Chief Justice Crampton in his direction of March 7, 2014;

UPON being satisfied that this motion is moot;

The motion is therefore dismissed.

"Pierre Blais"

Chief Justice

THIS IS EXHIBIT "26" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

Federal Court  Cour fédérale

Date: 20140331

Court File Numbers:

T-518-14	T-516-14	T-517-14	T-538-14	T-539-14
T-575-14	T-576-14	T-586-14	T-587-14	T-604-14
T-610-14	T-620-14	T-621-14	T-753-14	T-485-14
T-486-14	T-487-14	T-488-14	T-529-14	T-540-14
T-543-14	T-545-14	T-546-14	T-564-14	T-581-14
T-582-14	T-585-14	T-593-14	T-594-14	T-595-14
T-596-14	T-597-14	T-598-14	T-599-14	T-607-14
T-647-14	T-650-14	T-686-14	T-692-14	T-695-14
T-697-14	T-698-14	T-704-14	T-706-14	T-723-14
T-724-14	T-725-14	T-726-14	T-727-14	T-728-14
T-729-14	T-734-14	T-735-14	T-738-14	T-755-14
T-530-14	T-531-14	T-532-14	T-584-14	T-739-14
T-513-14	T-523-14	T-553-14	T-560-14	T-561-14
T-565-14	T-566-14	T-567-14	T-578-14	T-579-14
T-588-14	T-590-14	T-591-14	T-592-14	T-612-14
T-613-14	T-614-14	T-615-14	T-619-14	T-623-14
T-624-14	T-625-14	T-626-14	T-627-14	T-628-14
T-629-14	T-630-14	T-631-14	T-633-14	T-634-14
T-635-14	T-636-14	T-637-14	T-638-14	T-639-14
T-640-14	T-641-14	T-642-14	T-644-14	T-645-14
T-678-14	T-548-14	T-601-14	T-602-14	T-603-14
T-671-14	T-672-14	T-747-14	T-748-14	T-749-14
T-750-14	T-751-14	T-616-14	T-657-14	T-660-14
T-662-14	T-664-14	T-667-14	T-669-14	T-680-14
T-684-14	T-685-14	T-689-14	T-691-14	

Ottawa, Ontario, March 31, 2014

PRESENT: The Chief Justice

In the matter of numerous filings seeking a declaration pursuant to s. 52 (1) of *the Canadian Charter of Rights and Freedoms* ("The Charter");

and

In the matter of numerous motions requesting interim or interlocutory relief pursuant to s. 24(1) of *The Charter* with regards to changes to the *Marihuana Medical Access Regulations* ("MMAR") and the Marihuana for Medical Purposes Regulations ("MMPR".)

ORDER

PURSUANT to Rules 47 and 384 of the *Federal Courts Rules*;

IT IS HEREBY ORDERED THAT:

1. These proceedings shall continue as specially managed proceedings.

2. Pursuant to Rule 383, Justice Michael L. Phelan is assigned as Case Management Judge in these matters.

3. Further directions from the Case Manager will be issued shortly, regarding the management and scheduling of these proceedings. Among other things, those directions will address the timing of the lifting of the stay of proceedings currently in place on these matters.

4. For greater certainty, the Registry shall not accept any filings or correspondence on these matters until further instructions have been issued by Justice Michael L. Phelan.

5. A copy of this Order is to be placed on each file.

6. Justice Michael L. Phelan, as Case Management Judge, may be assisted by such Prothonotaries as I may assign. He may also hear some or all of the files on their merits.

"Paul S. Crampton"
Chief Justice

THIS IS EXHIBIT "27" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140606

Docket: A-177-14

Ottawa, Ontario, June 6, 2014

Present: **SHARLOW J.A.**
STRATAS J.A.
MAINVILLE J.A.

BETWEEN:

ANTHONY VAN EDIG

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The appeal and the motion are dismissed for mootness, with costs payable to the respondent in the amount of $500 inclusive of all disbursements and taxes.

"K. Sharlow"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140606

Docket: A-178-14

Ottawa, Ontario, June 6, 2014

Present: **SHARLOW J.A.**
STRATAS J.A.
MAINVILLE J.A.

BETWEEN:

MICHAEL K. SPOTTISWOOD

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The appeal and the motion are dismissed for mootness, with costs payable to the respondent in the amount of $500 inclusive of all disbursements and taxes.

"K. Sharlow"
J.A.

Federal Court of Appeal Cour d'appel fédérale

Date: 20140731

Docket: A-179-14

Ottawa, Ontario, July 31, 2014

CORAM: **NEAR J.A.**
SCOTT J.A.
BOIVIN J.A.

BETWEEN:

KEVIN J. MOORE

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

WHEREAS this Court has issued on its own motion an Order dated June 6, 2014, directing the appellant to show cause in a written submission to be filed no later than July 4, 2014, why his appeal should not be dismissed for mootness based on the decision of this Court in *Van Edig et al v. Her majesty the Queen* (2014 FCA 151) a copy of which has been duly sent to the appellant;

WHEREAS a letter dated June 10, 2014, enclosing a certified copy of the Court's Order dated June 6, 2014, and a copy of the Court's Reasons for Order in *Van Edig et al v. Her majesty*

the Queen (2014 FCA 151) of even date was received by the appellant at 12:56 hours on June 14, 2014, as evidenced by a copy of confirmation of delivery issued by Canada Post;

WHEREAS the appellant has not responded and failed to serve and file a submission within the stipulated deadline of July 4, 2014.

THIS COURT ORDERS that this appeal be dismissed.

"D.G. Near"
J.A.

« AFS »
« RB »

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140606

Docket: A-181-14

Ottawa, Ontario, June 6, 2014

Present: **SHARLOW J.A.**
STRATAS J.A.
MAINVILLE J.A.

BETWEEN:

CHERYLE M. HAWKINS

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The appeal and the motion are dismissed for mootness, with costs payable to the respondent in the amount of $500 inclusive of all disbursements and taxes.

"K. Sharlow"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140605

Docket: A-182-14

Ottawa, Ontario, June 5, 2014

Present: **SHARLOW J.A.**
STRATAS J.A.
MAINVILLE J.A.

BETWEEN:

VICTORIA HOLLINRAKE

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The appeal and the motion are dismissed for mootness, with costs payable to the respondent in the amount of $500 inclusive of all disbursements and taxes.

"K. Sharlow"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140606

Docket: A-183-14

Ottawa, Ontario, June 6, 2014

Present: **SHARLOW J.A.**
STRATAS J.A.
MAINVILLE J.A.

BETWEEN:

GARY PALLISTER

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The appeal and the motion are dismissed for mootness, with costs payable to the respondent in the amount of $500 inclusive of all disbursements and taxes.

"K. Sharlow"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140606

Docket: A-184-14

Ottawa, Ontario, June 6, 2014

Present: **SHARLOW J.A.**
STRATAS J.A.
MAINVILLE J.A.

BETWEEN:

SHARON MISENER

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The appeal and the motion are dismissed for mootness, with costs payable to the respondent in the amount of $500 inclusive of all disbursements and taxes.

"K. Sharlow"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140731

Docket: A-185-14

Ottawa, Ontario, July 31, 2014

CORAM: **NEAR J.A.**
SCOTT J.A.
BOIVIN J.A.

BETWEEN:

JONATHAN DURY

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

WHEREAS this Court has issued on its own motion an Order dated June 6, 2014, directing the appellant to show cause in a written submission to be filed no later than July 4, 2014, why his appeal should not be dismissed for mootness based on the decision of this Court in *Van Edig et al v. Her majesty the Queen* (2014 FCA 151) a copy of which has been duly sent to the appellant;

WHEREAS a letter dated June 10, 2014, enclosing a certified copy of this Court's Oder dated June 6, 2014, and a copy of this Court's Reasons for Order in *Van Edig et al v. Her Majesty the Queen* (2014 FCA 151) of even date was sent to the appellant;

WHEREAS another letter dated July 4, 2014, enclosing a certified copy of this Court's Order dated June 6, 2014, and a copy of this Court's Reasons for Order in *Van Edig, et al v. Her Majesty the Queen* (2014 FCA 151) of even date was sent to the appellant on July 4, 2014;

WHEREAS the appellant has not responded and failed to serve and file a submission within the stipulated deadline of July 4, 2014.

THIS COURT ORDERS that this appeal be dismissed.

"D.G. Near"
J.A.

« AFS »
« RB »

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140606

Docket: A-186-14

Ottawa, Ontario, June 6, 2014

Present: **SHARLOW J.A.**
STRATAS J.A.
MAINVILLE J.A.

BETWEEN:

DALE CONNERS

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

The appeal and the motion are dismissed for mootness, with costs payable to the respondent in the amount of $500 inclusive of all disbursements and taxes.

"K. Sharlow"
J.A.

THIS IS EXHIBIT "28" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

John Turmel

April 7, 2014 ·

Jct: People are wondering if our torts against the MMAR are now mooted. I've given some thought to dropping the 16 MMAR torts, 10 still in the MMPR with the 6 that are solely in the MMAR. 11) Specialist no longer needed in MMPR, shouldn't have been in MMAR; 12) opinion all chemical treatments considered first, no longer needed in MMPR, not needed then in MMAR; 13) only 2 patients/grower when 1:1 was condemned twice; 14) only 4 growers/garden when 3 was condemned twice; (they were the flaws that derailed the MMAR in 2001-3 that caused the CDSA to be invalid during that time and now the flaws are back); 15) Number of plants forces big plants handled by patients and 16) they're not allowed to have any help in handling their big plants. Nasty stuff.

But the MMAR is now dead. So why not cut those 6 out of the Claim and just stick with the big 20 against the MMPR which include the 10 held over from the MMAR? Because I can put it on record. Because the Crown can move to strike it. Because it lets the judge realize that the guys who dreamed up the old minefield for patients were left in charge of the new minefield for patients. After all, they held over 10 big mines from the old while adding another 10 for the new! So I'm leaving the MMAR 6 in just to make them look bad and maybe point out we didn't get out chance to challenge the MMAR before D-Day because we were delayed by the Allard challenge to the MMPR that somehow nixed our shot at the MMAR? So Health Canada's MMAR unique flaws stay in, just a few extra pages to smear them with their own dirt. These are malevolent government gremlins and I'm about to really light a fire under their asses.

Like Comment Share

11

2 shares

Michael J. Kaer Go John Go!

April 7, 2014 at 10:13am · Like · 6

Rick Miller and the thunder rolls !

April 7, 2014 at 2:45pm · Like · 2

Shawn Tedder John KingofthePaupers Turmel please do not drop any rather keep adding since this a big difference between REPEAL & LEGALIZAION.

April 11, 2014 at 4:42pm · Like · 1

John Turmel Jct: If having 4 Allard torts in our 20 makes our claims "substantially similar," I'm going to drop the 3 easy ones, hash, outdoors, indoors, and see if 1/17 makes them "substantially similar" too.

April 11, 2014 at 4:53pm · Like · 2

THIS IS EXHIBIT "29" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

John Turmel

April 8, 2014 ·

Jct: Gold Stars. I need to know where everybody lives for my next move. I need it fast, I move fast. Those who send me their location to johnturmel@yahoo.com can get in on it. I'll remind you only 15 moved fast enough to score into the Federal Court of Appeal against the Mar 7 stay and only 9 against the Mar 31 stay before they were lifted. Anthony Van Edig and Michael Spottisfood having the only double CoA on theirhttp://johnturmel.com/mmprgold star record. So when the sapper general says "time to follow," you'd best be quick to react. Those wanting in on the next move, let me know. And it's another Freebie that's really really going to hurt the bad guys!

Fed Court MMPR Grow-Op Exemption Gold Star Team

http://johnturmel.com/mmprinst.htmhttp://johnturmel.com/mmprsc.pdfhttp://johnturmel.com/mmprsc.docMMPR Grow-Op Exemption Challenge & Instructions Videohttp://youtu.be/szCRjO7ZRxk ALBERTA (13) FCA (1) CA A-179-14 T-548-14 Kevin J. Moore CA T-601-14 Harold W. Ruddolph - 55k, Garden CA T-602-14 Dougla...

JOHNTURMEL.COM

Like Comment Share

2

Russell Barth Ottawa.

April 8, 2014 at 11:33am · Like

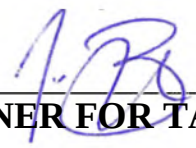
Wayne Phillips Hamilton, ON

April 8, 2014 at 11:52am · Like

Rick Van Wrinkle Halifax

April 8, 2014 at 2:43pm · Edited · Like

THIS IS EXHIBIT "30" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.



A COMMISSIONER FOR TAKING AFFIDAVITS

File No: T-488-14

FEDERAL COURT

BETWEEN:

JOHN C. TURMEL

Plaintiff

and

HER MAJESTY THE QUEEN

Respondent

RECORD OF MOTION

For the Plaintiff:
John C. Turmel, B.Eng.,
50 Brant Ave.,
Brantford, N3T 3G7,
Tel/Fax: 519-753-5122,
Cell: 519-717-1012
Email: johnturmel@yahoo.com

For the Respondent:
Attorney General for Canada
130 King St. W. Toronto

File No: T-488-14

FEDERAL COURT OF APPEAL

BETWEEN:

JOHN C. TURMEL

Plaintiff

and

HER MAJESTY THE QUEEN

Respondent

NOTICE OF MOTION

TAKE NOTICE THAT at 11am on Tuesday April 29 2014 will be heard Plaintiff's urgent short notice motion at the Federal Court in Toronto.

THE MOTION SEEKS summary judgment:

A1) that the Medical Marihuana Access Regulations (MMAR) that came into force on Jul 30 2001 and the Marihuana for Medical Purposes Regulations (MMPR) that came into force on June 19, 2013, (and run concurrently with the MMAR until March 31, 2014 when the MMAR will be repealed by the MMPR) are unconstitutional and not saved by S.1 of the Charter in that the s. 7 Charter constitutional right of a medically needy patient to reasonable access to his/her medicine by way of a safe and continuous supply consistent with the S.7 Charter right is unreasonably restricted by the impediments to access and/or supply in the MMAR and/or MMPR;

A2) And that, "absent a constitutionally acceptable medical exemption," the prohibitions on marihuana in the Controlled Drugs and Substances Act (CDSA) are invalid and the word "marijuana" be struck from Schedule II of the CDSA.

THE GROUNDS ARE THAT the 26 distinct defects raised about the MMAR-MMPR medical marijuana regimes are so egregious as to make the exemption irreparably illusory that it inflicts on medically-needy group of patients conditions of life calculated to bring about its physical destruction.

AND FOR ANY ORDER abridging any time for service or amending any error or omission which this Honourable Court may allow.

Dated at Brantford on Tuesday April 22 2014.

JC Turmel

John C. Turmel, B.Eng.,
50 Brant Ave.,
Brantford, N3T 3G7,
Tel/Fax: 519-753-5122,
Cell: 519-717-1012
Email: johnturmel@yahoo.com

TO: Registrar of this Court
Attorney General for Canada

MMPR 14) S.13 prohibits production in a dwelling unreasonably restricting supply;

MMPR 15) S.14 prohibits outdoor production unreasonably restricting supply;

MMPR 16) S.138(1)(c), S.264 fail to protect the patient's brand genetics and rights to those brands unreasonably restricting access and supply.

MMPR 17) fails to remove financial barriers unreasonably restricting access and supply;

MMPR 18) fails to provide central registry for police verification unreasonably restricting access and supply;

MMPR 19) fails to have enough Licensed Producers to supply upcoming needs unreasonably restricting supply;

MMPR 20) S.5(c), S.73(1)(e), S.123(1)(e), S.130(2) prohibit possession or delivery of more than 150 grams unreasonably restrict supply;

24. A late addition to the constitutional violations by both regimes is:

MMAR-MMPR 21) Hemp production stifled by Health Canada regulations rather than Agriculture Canada has resulted in a thousand-fold less production than much less-useful wheat.

REASONS FOR OPINIONS EXPRESSED

UNDER THE MMAR AND MMPR

1) RECALCITRANT DOCTORS AS GATEKEEPERS

25. MMAR S.4(2)(b): "An application under subsection (1) shall contain a medical declaration made by the medical practitioner treating the applicant;"
MMPR S.119 "Applicant must include original of their medical document."

26. In the current constitutional challenge in R. v. Godfrey (Nova Scotia) with a ruling on declaring the MMAR-MMPR invalid expected on Apr 24 2014, Applicant adopted the facts established by Taliano J. in R. v. Mernagh not with respect to there being "not enough doctors" but with respect to there being some doctors allowed to opt out of the MMAR for non-medical reasons.

27. On Apr 11 2011, the Ontario Court of Appeal ruled in R. v. Mernagh:
"[9] On the Charter application, Mr. Mernagh did not argue that the MMAR are unconstitutional as they are drafted. Rather, he argued that the MMAR are unconstitutional as they are implemented because physicians have decided en masse not to participate in the scheme."

28. The Court pointed out there was no evidence of the number of people who need it, the number who asked for it and were refused, no numbers proving a boycott.

29. The Court further noted:
"[28] In answer to the argument of the Hitzig appellants that the concerns of the medical profession and its governing bodies regarding the role of doctors as gatekeepers would prevent doctors from signing the requisite forms and thereby prevent worthy individuals from obtaining a licence, the Court found that on the record before it the argument was answered by Lederman J.'s findings that despite the concerns of central medical bodies, a sufficient number of individual physicians were authorizing the therapeutic use of marihuana that the medical exemption could not be said to be practically unavailable (Hitzig, supra at para. 139)."

30. So even if there had been a boycott by a vast majority of doctors, in 2003 Hitzig had ruled the medical exemption was "not practically unavailable" with even only 1 doctor in 100 participating.

31. Unlike Mernagh, Godfrey did not argue there was boycott of doctors making his access illusory, he has argued the MMAR permits doctors to refuse without any contra-indications of use, with non-medical reasons, that make access illusory. Similar evidence to that in Mernagh of the same unhealthy ramifications of the MMAR was given in Godfrey but in support of the different head of relief.

32. The Court of Appeal ruled that the Mernagh witnesses had not given evidence that the refusing doctors had not had valid medical reasons contra-indicating use. To fill this gap, the patient witnesses in R. v. Godfrey, all with qualifying diseases testified to their angst-filled searches for a doctor to sign and the non-medical reasons the doctors had used to refuse:
"I don't know enough about marijuana."
"I don't like the forms."
"I don't need the calls from Health Canada."
"I'm not interested" because of my Medical Association."
"I'm afraid for my practice!"
"I don't want to be known as a pot doctor."
"I don't know you well-enough."
"I don't want to be liable should you commit a criminal act under the influence!"
"I don't do that. Have some narcotics instead."
"Marijuana is not approved with a DIN."

33. The Mernagh evidence is also replete with more non-medical reasons for refusals though that evidence was wasted in a futile attempt to prove a doctor boycott. Applicant Godfrey submitted that an exemption that is "not practically unavailable" because some sign is not enough, it is not practically available when some don't sign.

34. The Mernagh Court of Appeal wrote:
"[147] Much of the evidence relied on by Mr. Mernagh to support his claim that the defence in the MMAR is illusory does not link physician non-participation in the MMAR or individual refusals by physicians to provide the necessary declaration with any kind of governmental action. A doctor

who refuses to provide the necessary declaration because he or she is not satisfied that the criteria in the regulations are met, does not feel sufficiently knowledgeable about the effects of marihuana, is unfamiliar with the patient, or views the use of marihuana as medically contra-indicated, is certainly limiting the availability of the medical exemption contemplated in the MMAR. However, that decision is not attributable to the government or any form of governmental action. Nor, in my view, can the physician, by exercising the gatekeeping role demanded of the physician by the legislation, be said to make the defence created by the legislation illusory. Refusals based on the doctor's exercise of his or her judgment are inherent in the defence created by the MMAR."

35. One would presume refusals would be based on the doctor's exercise of his or her MEDICAL judgment, not for the myriad of lame non-medical excuses listed above. The Court presumed doctors would be professional and not let their clients die, that doctors would do right even if given a responsibility they don't want to bear. But they do let their clients die with no contra-indication of marijuana use. Every epileptic having a fatal seizure without access to a joint is testament to his doctor not doing his research. What medical reasons could a doctor have to refuse an epileptic with a permanent disease when the Parker decision established the Charter Right not to be denied its anti-seizure efficacy? From 100 seizures a day, after a lobotomy and lobectomies failed to help, Terry Parker has not had an epileptic seizure in all the years that he has continued smoking cannabis since his constitutional exemption expired in 2001 and before.

36. Of course, if cannabis was contra-indicated or the patient had not satisfied the criteria in the regulations, refusal is justifiable. But the doctor cop-outs listed above are not medical judgments.

37. To plead incompetence can never be deemed professional when it comes to the least dangerous herbal treatment with the best safety record in history? "Never killed anyone, works for others but I haven't studied up so find someone who has" is no medical judgment.

38. The doctor refusing for being afraid of his medical association, afraid of his insurance company, afraid of Health Canada calls, afraid of being called a "pot doctor," afraid of the mountain of paperwork or afraid for his practice is not making a medical judgment.

39. That the doctor is unfamiliar with the patient is irrelevant when the doctor should be familiar with the patient's condition. If a medical history says Epilepsy, how much more does the doctor need to know? Why are some doctors willing to authorize epileptics upon one consultation, even by Skype video-call, yet others need a more personal tete-a-tete?

40. That the doctor could believe he would be liable for criminal acts committed "under the influence" shows the silliness of some non-medical reasons.

41. That the doctor will only prescribe addictive narcotics when the patient wants to try non-addictive herbal treatment

violates the patient's right to decide established in Morgentaler. If this were any new chemical drug, doctors would be expected to do their professional research when the patient asks about it, not refuse.

42. Though most witnesses eventually found doctors to sign, two patients never did and one was thrown out of the doctor's office. There are other reports of such "no more family doctor" refusals. Applicant submitted that when the patient is thrown out by the doctor, that doctor may be presumed to not be signing for any of the other patients in his practice. Minus the 5 million without family doctors, 60,000 doctors serving 30 million Canadians is 500 patients per practice. So it's safe to conclude that doctor's whole 500-patient practice remains un-served, not only that particular patient being currently un-served. And if the recalcitrant gate-keepers are not opening the gates, it's the regimes' fault for making recalcitrant doctors gatekeepers. The patient has no use for his doctor's medical opinion when the doctor admits he's ignorant of the treatment. Installing reluctant and willfully-ignorant as gatekeepers can only impede access.

43. Taliano J. pointed out:
"[147] With the leadership of the medical profession being so adamant in its opposition to its proposed role as gatekeeper, it is little wonder that the profession has not been supportive of the MMAR and the patient witness evidence of this lack of support becomes understandable."

44. The Crown argues it is not the legislation's fault that the doctors may not be signing in large numbers. Taliano J.

cited the resistance by medical associations to being appointed gate-keepers over something they knew nothing about. Legislation appointing someone ignorant of the treatment is tantamount to appointing a monkey as gate-keeper and noting the fact the monkey sometimes opens the gate means the exemption is "not practically unavailable!"

For the 5 million Canadians without a family doctor, it is completely practically unavailable and they must remain completely unserved by the present regime with recalcitrant doctors as gate-keepers.

45. The Court of Appeal should not need the numbers to logically infer that doctors were boycotting the regime when so many medical associations had been noted in opposition as well as the testimony of the Mernagh witnesses to the refusals of many doctors to serve them, and implicitly, their 500-patient practices. Fortunately, Applicant objects to doctors being able to opt out at all without medical contra-indications of use.

46. Justice Taliano finally concluded:
"[327] While that approach was justified and feasible in Hitzig, the same cannot be said of the present case. Because the court in Hitzig only found certain and isolated sections of the MMAR to be invalid, it was able to specifically address those provisions in its remedy without altering the overall significance of the legislation. However, in the case at bar I have found that the requirement for a medical doctor's declaration has rendered the MMAR unconstitutional. This requirement infects numerous sections of the MMAR."

47. On the basis of the similar evidence as Mernagh but with the gap on why the doctors refused filled, the requirement of ignorant recalcitrant doctors is unnecessary and unconstitutional when simple proof of illness should be the only medical judgment needed.

48. The health improvements all patient witnesses in Godfrey and Mernagh attested to do condemn the doctors who wouldn't or couldn't do their duty in exercising the gatekeeping role demanded of the physician by the legislation. Once demanded of them, unprofessional incompetence and bias aren't proper gate-keeping for anyone's medicine.

2) NOT APPROVED WITHOUT DIN

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49. One cardiologist refused because marijuana was "not an approved medication." Health Canada web site explains: http://www.hc-sc.gc.ca/dhp-mps/marihuana/index-eng.php "Dried marihuana is not an approved drug or medicine in Canada. The Government of Canada does not endorse the use of marihuana, but the courts have required reasonable access to a legal source of marihuana when authorized by a physician."

50. Not being an approved substance has been used as a reasonable rationale to allow some doctors to assuage their conscience when they opt out of their responsibility to their patients. Cannabis can never be approved until it gets a DIN. Not having a DIN also forecloses any hope of financial coverage. The lack of DIN remains in the MMPR.

3) ANNUAL MEDICAL DOCUMENTS FOR PERMANENTLY ILL

---

51. MMAR S.13(1): "ATP Subject to subsection (2), an authorization to possess expires 12 months after its date of issue..."
MMAR S.33(1)(a): "PUPL Subject to subsection (2), a personal-use production licence expires on the earlier of 12 months after its date of issue.."
MMAR S.42(1)(a): "DPPL Subject to subsection (2), a designated-person production licence expires on the earlier of 12 months after its date of issue.."
MMPR s.129(2)(a) "The period of use referred to in paragraph (1)(e) must be specified as a number of days, weeks or months, which must not exceed one year;

52. Doctors know that instead of prescribing cannabis once and perhaps never seeing an epileptic again, the patient would have to come back every year for him to fill out the forms. Imagine how all that yearly form-filling would affect any practice for epilepsy! Instead of exempting them all once, it's all of them every year! Say a doctor has 500 epileptic patients and exempts them 100 per year of 5 years. When he's done he hasn't had to fill out 100 forms per year but 100, 100+100 renewals, 100+200 renewals, 100+300 renewals, 100+400 renewals totaling 1,500 forms filled out with 500 more every year thereafter when it should have been only 500 forms once. Over a 10-year span for 1,000 epileptics, that would take 5,500 forms filled out instead of 1,000 once. Annual renewals for permanent diseases is a waste of the patient' doctor's, and regulator's time.

53. Testimony in Godfrey showed show Exemptees fell under penal jeopardy each time renewed or amended Authorizations were delayed. The Federal Court case of Ray Turmel v. HMTQ [2013] highlighted how the Health Canada site informed people renewing their Authorizations with no changes they only needed to fill out Form R, always with 8-10 weeks for processing. Then 3 weeks later, he received a rejection letter for failure to re-submit another Form F. Nowhere on Form R instructions did it say anything about another Form F

and his renewal was thus delayed by 3 weeks. With the Form F then sent in, Health Canada started the clock anew and let his exemption expire on Friday May 31 2013 without renewal advising him to comply with the rules which said to destroy his stash and garden until his new permits arrived! At 7pm Friday night, Federal Court Justice Roy granted a short notice hearing and by 11pm, Health Canada had renewed his exemption. The Form F glitch catches all such "no-change" Renewals and puts them behind schedule and Health Canada has seemed in no rush to prevent those many Authorizations from expiring and the patients falling into jeopardy for that time.

4) DESTRUCTION OF SUPPLY

---

54. MMAR S.65(1): "If an authorization to possess expires without being renewed or is revoked, the holder shall destroy all marihuana in their possession."

MMPR

http://www.hc-sc.gc.ca/dhp-mps/marihuana/repeal-abrogation-eng.php

"All dried marihuana and/or marihuana seeds or plants in your possession obtained under the MMAR must be destroyed on or before March 31, 2014."

55. MMAR orders that marijuana be destroyed without compensation upon expiry of any exemption without renewal. Every person whose exemption properly expires knows the Criminal Code prohibition means his stash had better be disposed of, why repeat it here when it's already in the Criminal Code? The only people it can possibly affect aversely are patients legitimately awaiting a late renewal or amendment who are reminded that they should destroy all their medicine until their permit arrives when they can start all over again and do without until their first crop comes in. The witnesses who testified to late renewals or amendments admitted they did not destroy their stash nor their plants and were guilty of violating both S.65 and the Criminal Code during those lapses in coverage. This jeopardy for sick people was ruled unconstitutional in R. v. Parker.

56. The MMPR demands the same destruction of medication by the prohibition on possession of more than the 30 day dosage. Should a patient under-use and have some spare at the end of the month, it is prohibited to possess his new supply without destroying the remainder of his old supply. But should a patient over-use and lack some at the end of the month, bad luck, can't get any more.

5) COMMON BUREAUCRATIC CANCELLATIONS

57. MMAR S.12(1)(b): "The Minister shall refuse to issue an authorization to possess if any information, statement or other item included in the application is false or misleading;"
MMAR S.32(c): "The Minister shall refuse to issue a personal-use production licence if any information or statement included in the application is false or misleading;"
MMAR S.62(2)(c): "The Minister shall revoke an authorization to possess and any licence to produce issued on the basis of the authorization if the authorization was issued on the basis of false or misleading information;"

58. Two witnesses testified to having been authorized with many others by Ontario's Dr. Kammermans upon his visit to Nova Scotia. On Oct. 1 2012, they received revocations of their exemptions for being false and misleading though no doubt about their medical condition was alleged. What may Health Canada have construed as "false?" Dr. Kammermans was not licensed to practice in Nova Scotia!

59 Though one revokee never found another doctor, the other obtained another Authorization from a doctor in B.C. The Greenleaf Clinic does its medical examinations by Skype with the patient anywhere in Canada and the doctor in B.C. Similarly, had the doctor in B.C. done a house call to Nova Scotia and signed it there, Health Canada could have deemed that false and reject the application too. So Dr. Kammermans could have used Skype or waited until he was back in his

Ontario office before signing and sending out the Authorizations to his Nova Scotia patients but because he signed them at the house call instead of in his office, Health Canada cut off the medication of thousands of valid patients for non-medical reasons!

60. Health Canada no longer cancels Exemptions for its own "reasonable grounds," it has delegated that onus onto the non-governmental Licensed Producer (LP):

61. MMPR S.117(1)(c)(i): "The Licensed Producer must cancel if there are reasonable grounds to believe that false information has been submitted;"
S.117(2): "must cancel without delay if LP has verified the existence of the ground in a "reasonable manner."
s.117(3): "has reasonable grounds that a ground exists."

62. Action used to be taken if it "is false!" Not only needs "reasonable grounds to believe it is false." That bureaucrats or private companies and not the doctors rule the pharmacy by declaring non-medical errors or inconsistencies "false and misleading" is an indictment of the total regime. Health Canada bureaucrats can and did cut off the medication to thousands of Dr. Kammermans' medically-qualified patients for just such a trite non-medical reason.

63. What are "reasonable grounds to believe something false" for a private Licensed Producer to cut off a patient's medicine? Shouldn't it be upon "indictment or conviction" and not "reasonable grounds to believe?" "Oops, sorry for the mistake, patient's dead." If the Licensed Producer has

verified grounds, he can call a cop, not say he has "reasonable grounds to believe." Or shouldn't it be up to the doctor to decide when medicine will no longer be given?

6) HEALTH CANADA FEEDBACK

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64. Testimony showed one doctor was "not interested" because of Health Canada feedback! Not only does Health Canada

telephone doctors opposing high dosages but has them fill out another form to certify anew the amount! Like saying: "Are you really signing for this much? Sign another form saying it again." This second unmentioned part to the application process and phone calls verifying the same has intimidated doctors in some cases to reduce prescriptions. The same intimidation tactics are possible under the MMPR.

7) PROCESSING DELAYS

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65. Like any life-saving medication, marijuana should be available as fast as needed. Imagine an epileptic having a fit and a hospital emergency ward doctor trying to obtain an Authorization to use marijuana to stop it. That hospitals are not prepared to dispense marijuana to an epileptic in the throes of seizure is an indictment of the total regime. It's the only almost guaranteed anti-seizure medication not available at a hospital because of the application process for authorization. Hospitals remain as unprepared under the MMPR.

8) NO RESOURCES TO PROCESS LARGE DEMAND

66. The Taliano decision mentions the 2010 delays in MMAR processing when Health Canada were swamped by several extra thousand applications, each now needing yearly renewals. With only 8 MMPR Licensed Producers to date, and most not up to production, there seems great chance the MMPR could not cope with actual necessary demand coming up.

9) PROHIBITION ON NON-DRIED CANNABIS

67. MMPR S.3(1): "A person listed in subsection (2) may possess dried marihuana.."

68. The Plaintiff is limited to using only "dried marihuana" as provided in the NCR, MMAR and MMPR, such restriction having been struck down in B.C. due to the decision in R v. Smith 2012 BCSC 544, which is on appeal, and in relation to the MMAR as that limitation did little or nothing to enhance the government's interest including the government's interest in preventing diversion of the drug, or controlling false and misleading claims of medical benefit and that it was arbitrary and violated s.7 of the Charter.

69. Cannabis may be used in its various forms, including in its raw form for juicing, and making butter, as well as using oils and tinctures, using it in teas, and as salves and creams for topical applications, or by making edibles and by smoking in cigarettes/joints or using a vaporizer or atomizer. It is an offense to separate or extract the resin

glands from the dead plant material and a further offense to possess those resin glands, whether as resin or "hashish, or when infused into derivative products such as foods, oils or even tea. It is an offence to possess cannabis juice derived from the natural undried plant as it is not "dried marihuana". This explains how someone may consume 200g/day: 140g/day for juicing, 40g/day reduced to 4g/day for derivatives, concentrates and comestibles, and 20g/day smoked.

70. The Plaintiff says that the decision in Smith should be followed to enable Plaintiff to consume medicine in whatever form is most effective and to avoid a form that may be harmful, and that such a limitation in the NCR, MMAR and MMPR is unconstitutional as being in violation of s.7 and inconsistent therewith and is not saved by s.1.

10) NO EXEMPTION FROM CDSA S.5 TRAFFICKING

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71. With different strains for different pains and different gains in productivity, Plaintiff's opportunity to sample and trade those strains is impeded by the trafficking prohibition in the CDSA. Without a DIN for financial support, it is evident that any PUPL patient on social assistance cannot divert his food budget to pay for his growing expenses and is compelled to traffic some of his crop to cover those inevitable costs. The CDSA S.5 prohibitions on trafficking of marijuana are a clear impediment to the patient's benefit through access and supply of different strains.

UNDER THE MMAR ONLY

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MMAR 11) SPECIALIST REQUIREMENT

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72. Taliano J. notes how the Nolin Commission concluded that the specialist requirement would impede access. But a decade later, it's still there impeding access. Taliano J. notes: "33.. where a specialist was required, it was no longer necessary for the specialist to provide the declaration that s/he had reviewed the case and concurred that conventional treatments were ineffective or medically inappropriate and was aware that marihuana was being considered as an alternative treatment."

73. Though the specialist no longer had to provide the signed declaration, he still had to provide the same oral declaration to the family doctor! Just another chore for the doctor to do in filling out the forms. Putting the onus on the family doctor to swear that the specialist had made the declaration did not remove the requirement that specialist make the declaration that conventional treatments were ineffective or medically inappropriate. Whereas the Specialist Declaration used to satisfy the family doctor that the specialist was aware of the intended use, now the doctor has to do the ensuring by his own communication with the specialist. So nothing really changed but the onus of verification off Health Canada onto the family doctor.

74. The true unimportance of the Specialist Requirement is shown by its being passed onto the family doctor in the MMAR and its no longer being required at all in the MMPR!

MMAR 12) DECLARATION OF CONVENTIONAL TREATMENT

75. MMAR S.6(1)(e): "The medical declaration must indicate that conventional treatments for the symptom have been tried or considered and have been found to be ineffective or medically inappropriate for the treatment of the applicant;" MMAR S.6(2)(b)(v): "must indicate that the specialist concurs that conventional treatments for the symptom are ineffective or medically inappropriate for the treatment of the applicant."

76. The Morgentaler decision makes clear the patient's right to use the treatment of his choice unless contra-indicated. The true unimportance of the requirement for the declaration that conventional treatments are inappropriate is shown by its no longer being required at all in the MMPR now that simple proof of illness is all that is required.

13) 2 PATIENTS PER GROWER (HITZIG, SFETKOPOULOS)

77. MMAR S.41(b): "The Minister shall refuse to issue a designated-person production licence if the designated person would become the holder of more than two licences to produce.."

78. The new ratio of 2 patients rather than 1 per grower is twice as good but not much less bad. Not much less so as to again unreasonably restrict supply.

14) 4 GROWERS PER GARDEN (HITZIG, BEREN)

79. MMAR S.32(d): "The Minister shall refuse to issue a personal-use production licence if the proposed production site would be a site for the production of marihuana under more than four licences to produce;"
MMAR 63.1 "if a production site is authorized under more than four licences to produce, the Minister shall revoke the excess licences."

80. R. v. Beren and Swallow (2009) BCSC 429 declared that the re-imposed limit of 3 growers per garden once again rendered the MMAR unconstitutional but again no charges were dropped. A week later, Health Canada upped the limit to 4 growers per garden. Only 4/3, 1.33 times as good and far less less bad. So far less less bad as to again unreasonably restrict supply.

81. Plaintiff submits that the new caps of 2 replacing 1 and 4 replacing 3 make the MMAR only slightly less unconstitutional retrospective to Dec 8 2003 as their lesser versions in Hitzig had been retrospective back to Aug 1 2001 until the deficiencies were remedied on Oct 7 2003 in Hitzig.

15) NUMBER OF PLANTS INAPPROPRIATE PARAMETER

82. S.30(1): "Maximum Number of Plants"
S.30(2): "The maximum number of marihuana plants referred to in paragraph (1)(c) is determined according to..."

83. The limits on plants is inappropriate because different strains for different pains produce different gains of growth and only the stored amount should matter.

84. In R. v. Ray Turmel [2012] in Quebec, the accused had 4 pounds towards his Authorized 11 pounds but was charged with having too many plants, growing too fast. Such a limit impedes the patient's opportunity to fully stock his medicine chest by only him to reach his maximum storage very slowly. As well, different strains provide different yields making the number of plants the wrong main limiting factor that again impedes supply.

85. Limiting the number plants also means that gardening becomes a more expensive year-round chore. Instead of growing double for free in winter when no air conditioning is needed and taking the summer off, patients must tend to their gardens with no respite all year round.

16) NO HELP FOR PERSONAL-USER-PRODUCTION-LICENSEE

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86. A limited number of plants also means that they have to be grown bigger. Rather than small 10 gram buds on 20 small stalks, they have to grow 50 gram buds on 4 mini-trees. Bigger plants mean patients have to handle and get around bigger pots and reduces the efficiency of the lamp when light doesn't get through to the bottom buds. Having forced patients to deal with larger pots, the MMAR then prohibits them hiring or having any helpers which restricts access and supply!

87. Taliano J. comments on the stress caused by the MMAR: "[47].. Accordingly, the medical use of marihuana by these individuals constitutes a criminal activity, even though they are not criminally minded people. This in turn has created an additional a source of concern and anxiety for all of the patient witnesses. The stress of which further undermines their health. "

UNDER THE MMPR ONLY

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MMPR 11) ATP VALID SOLELY AS "MEDICAL DOCUMENT"

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88. MMPR S.255(2) An authorization to possess that was valid immediately before the repeal of the Marihuana Medical Access Regulations remains valid solely for the purpose of being used as specified in subsection (1).

89. Everyone's ATPs become ineffective without no proof of purchase from a Licensed Producer. Medical need goes on, tens of thousands fall into jeopardy

MMPR 12) CANCEL FOR BUSINESS REASON

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90. S.117(4): "A licensed producer may cancel the registration of a client for a business reason."

91. "Business reason" to cut the patient's medicine is undefined in the legislation. But Health Canada has written: "The term "Business" is generally defined as an enterprise or a firm which provides goods and services to its customers for a profit. Coming from that term "business reasons" could cover a wide spectrum of scenarios. For example, an organization could stop doing business with customers due to (the business decision based on) long-overdue, pending payments from the customer/client. Also, the licensed producer might close business, etc.

89. Adding to the spectrum, "they're low on that brand and someone it profits more to sell it to someone else" is another great business reason.

MMPR 13) MEDICAL DOCUMENT NOT RETURNED

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92. S.117(7): "A licensed producer who cancels a client's registration must not return the medical document."
MMPR S.118: "A licensed producer must not transfer to any person a medical document on the basis of which a client has been registered."

93. The Licensed Producer may cut off not only a patient's supply but also his access since he can't take his current "access document" to any other supplier and has to start the access process with the doctor all over again. If they close business, the patient should get his "medical document" back so he can take it to another who is still in business?

MMPR 14) NO PRODUCTION IN DWELLING

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94. S.13. A licensed producer must not conduct any activity referred to in section 12 at a dwelling place.

95. The Plaintiff says that the proposed MMPR restrictions preventing production in a dwelling house and preventing any production outdoors should not be applicable to the patient or personal producer or designated caregiver because they amount to unnecessary restrictions in relation to the patient producer or his or her designate and would be unconstitutionally too restrictive. As the patient producer or his designate would not be involved in selling any of their product to any members of the public, none of the provisions of the MMPR relating thereto, such as packaging and labeling and the costs thereof, including packaging arbitrary maximum amounts in containers that a person can possess on their person at any one time, such as the maximum of 150 g, regardless of one's authorized dosage, should not apply to the patient, producer or designate.

MMPR 15) NO OUTDOOR PRODUCTION

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96. S.14: "A licensed producer must produce, package or label marihuana only indoors."

97. Plaintiff submits that prohibiting production with free sunlight is an arbitrary and unreasonable restriction on supply.

MMPR 16) NO BRAND RIGHTS TO GENETICS

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98. S. 138(1)(c) "provide the name of the brand"
S.261: "The holder of a personal-use production licence may sell or provide marihuana plants or seeds to a licensed producer.."

99. Cannabis has many specific strains for different pains. Though there is provision to transfer or sell a patient's own brands, two of the eight current Licensed Producers, Bedrocan and CanniMed, only produce their own proprietary brands. Medreleaf can't deliver before the end of May 2014. Tweed says they'll get back.

100. The United States are just recently bemoaning having lost all their hemp genetics since prohibition. Canadian growers have spent years There is a whole generation of genetics at stake in Canada and the failure to make provision for a seed-bank to save them does severely impede access to the proper medication. Tens of thousands of growers having to destroy their own home-grown strains is an unconscionable restriction on access and supply.

17) UNAFFORDABILITY

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101. The Canada Health Act R.S.C., 1985, c. C-6 states: "3. It is hereby declared that the primary objective of Canadian health care policy is to protect, promote and restore the physical and mental well-being of residents of Canada and to facilitate reasonable access to health services without financial or other barriers."

102. Doctors don't fill out forms for free. Making permanently ill patients have their doctor fill out a form every year is an unconscionable waste of everyone's time and resources.

103. Despite no DIN, The Plaintiff finds it affordable to produce the required cannabis at $1.00 to $4.00 a gram or less but he will not be able to afford the estimated Licensed Producer prices which are comparable to illicit market prices and that unaffordability is a barrier to access at Plaintiff's income level.

MMPR 18) PROOF OF AUTHORITY TO POSSESS

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104. S.125: "On demand, an individual who, in accordance with these Regulations, obtains dried marihuana for their own medical purposes must show to a police officer proof that they are authorized to possess the dried marihuana."

105. There is no central database for a police officer to check whether the potential-accused's proof of purchase label is legitimate. There are many varied containers and labels and the Licensed Producer is not responsible for providing that information, no one is.

MMPR 19) UNAVAILABLE SUPPLY

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106. One Licensed Producer, Bedrocan, has responded that it unfortunately "cannot process orders as large as 200g/day at

this time due to limited supply." Tweed cannot respond, Medreleaf can't deliver until end of May. Tens of thousands of patients cannot be served by April 1 2014.

20) 150-GRAM LIMIT FRAUD

107. The 150-gram personal possession limit imposed on Exemptees under the "Medical Marijuana Access Regulations" ("MMAR") and the "Marijuana for Medical Purposes Regulations" ("MMPR") under-medicates by a factor of 9 based on fraudulent surveys by Health Canada thus inflicting on the group conditions of life calculated to bring about its physical destruction in violation of S.318(2) of the Criminal Code of Canada.

108. On Feb 7 2014, Health Canada's Jeanine Ritchot swore in an Affidavit for the Federal Court case No T-2030-13 of Allard v. HMTQ in paragraphs 24-29 with regard to MMPR S.5, S.130, S.122, S.123 "must not possess or deliver more than 30 x Daily dosage or 150 Grams":

> 24. 36,797 ATPs up to December 11 2013.
> 25. 675,855 daily grams prescribed in 2013.
> 26. Average licensed indoor plants 101, outdoor 11.
> 27. Average daily amount 17.7g/day on Dec 12 2013.
> 28. According to Ex. A "Information for Health Care Professionals" at page 24 "Various surveys published in peer-reviewed literature have suggested that the majority of people using smoked or orally-ingested cannabis for medical reasons reported using between 10-20 grams of cannabis per week or approximately 1-3 grams [Average of averages 1-3 = average 2] of cannabis per day."

> 29. Individuals who purchase their dried marijuana from Health Canada have on average purchased 1-3 grams per day, [Average of 1-3 = 2] which is in line with daily dosages set out in the most current scientific literature referenced "Information for Health Care Professionals" Ex.A"

109. 675,855/36,797 = 18.37g/d. I'll use 18g/d from now on. 101 plants average is based on average 20g/d prescribed, a factor of 5. After two emails from me requesting the cited surveys and peer-reviewed journals, Health Canada has not been able to provide that information.

110. The "Information for Health Care Professionals" states:

> "Minimal therapeutic dose and dosing ranges
> Various surveys published in the peer-reviewed literature have suggested that the majority of people using smoked or orally ingested cannabis for medical purposes reported using between 10 - 20 g of cannabis per week or approximately 1-3g [Average = 2g] of cannabis per day. Footnote 165, Footnote 277, Footnote 350.

111. There is something inherently wrong with speaking of a 1-3 gram average. The average of the averages is 2 grams. Averages are not stated as ranges. They are a point, an average. The fact we're given a two averages suggests improper or incompetent statistical analysis.

112. Footnote 165:

(1) Clark, A. J., Ware, M. A., Yazer, E., Murray, T. J. and others. (2004). Patterns of cannabis use among patients with multiple sclerosis. Neurology. 62: 2098-2100. The sample size was 144 was calculated to detect an estimated prevalence of 10% with a 2.5% standard error.

113. Clark's study only discusses "single-dose size" and says not a word about daily dosage at all and results with the sample of only Muscular Dystrophy patients is hardly indicative of the average dosage for all other illnesses. 25% of the mean is a pretty big error due to the small n. Significance was set at the 95% level, that 2 Standard Deviations according to the Statistics Rule of 66-95-99.7: (1SD: 66% 2SD: 95% 3SD: 99.7%).

114. Footnote 277,

(2) Carter, G. T., Weydt, P., Kyashna-Tocha, M., and Abrams, D. I. (2004). Medicinal cannabis: rational guidelines for dosing. IDrugs. 7: 464-470: "In informal surveys from patients in Washington and California, the average reported consumption ranges between 10-20g raw cannab is per week or 1.42-2.86g/day..

115. Carter's study has informal surveys for its guestimate, not peer-reviewed at all.

116. Carter continues:

> Our recommended doses are further reinforced by two studies that utilized smoked cannabis in a well-documented dosing regime... (3) Chang and co-workers studied the effects of smoking 3.6 gram/day containing 15% THC... (4) Vinciguerra studied smoked cannabis dosed at 1.5 g/day.. These doses fall within the medical cannabis guidelines in the Canadian medical system.

117. Chang's study on 3.6g/day can't be found by Google but cannot tell us the average rams smoked by the general population. If everyone got 3.6 grams, that's the average they would sample. Neither can (4) Vinciguerra's study on the effect of 1.5g/day tell us the average smoked in the general population. If everyone got 1.5 grams, that's the average they would sample. So there's no way their "recommended doses are further reinforced by two studies that utilized smoked cannabis in a well-documented dosing regime." Fixed dosing regimes!!

118. Footnote 350.

> (5) Ware, M. A., Adams, H., and Guy, G. W. (2005). The medicinal use of cannabis in the UK: results of a nationwide survey. Int.J.Clin.Pract. 59: 291-295.

119. Ware's survey gives no dosage average at all, and even if it did, over half the survey quit for lack of access or affordability! With more than half having a hard time getting it, an artificially-low average would be expected.

120. On Feb 7 2014, Health Canada's Todd Cain's affidavit in the Allard proceeding at paragraphs 30-31:

> "30. Health Canada took significant steps to project demand and available supply for medical use. In anticipating demand, Health Canada took into account available information on numbers of individuals licensed to use dried marijuana for medical purposes, the upward trend in that number, the daily dosage amounts identified in the most current scientific literature and international practice around dosage, as set out in the "Information for Health Care Professionals" available online at http://hc-sc.gc.ca/dhp-mps/marihuana/med/infoprof-eng.php

121. It was fraudulent for Health Canada to "rely on the daily dosage amounts identified in the most current scientific literature and international practice around dosage" and not rely on the actual daily dosage prescribed from the available information on numbers of individuals licensed to use dried marijuana for medical purposes and total production licensed.

122. Todd Cain continues:

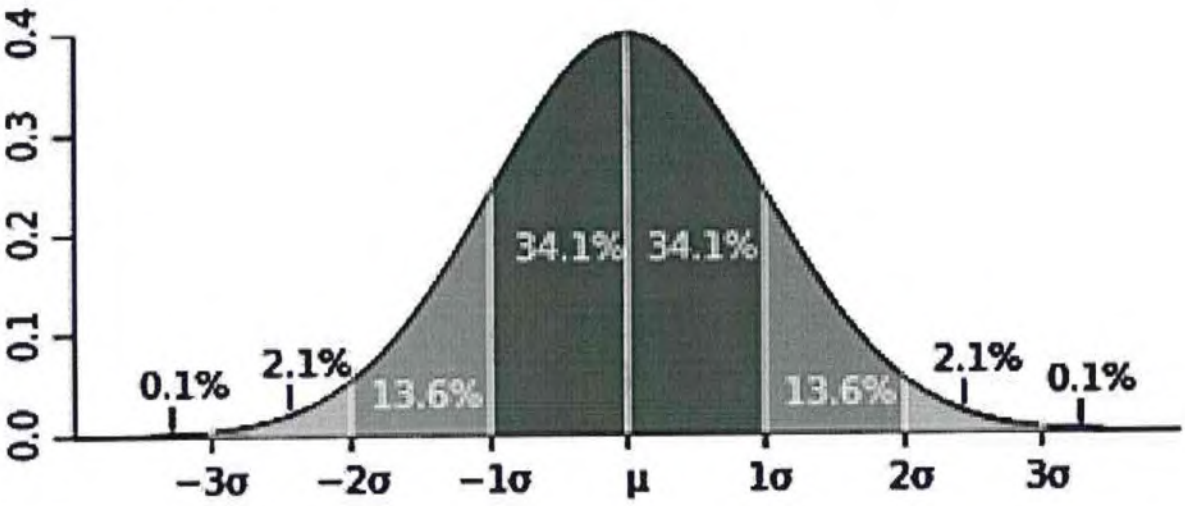
> 31. The "Information for Health Care Professionals" document, at page iii states that "following the most recent update to this document (Feb 2013) a study was published in the Netherlands tracking data obtained from the Dutch medical cannabis program over the years 2003-2010. The study reported that in a population of over 5,000 Dutch patients using cannabis for medical purposes, the

> average daily dose of dried cannabis (various potencies) used was .68 grams per day (Range 0.65-0.82 grams per day) (Hazencamp and Heerdink 2013). .lm1
>
> 17. Google doesn't find the Hazencamp and Heerdink 2013 survey in the Netherlands with the only mention being in Todd Cain's Affidavit, certainly not yet in any published journal. He continues: In addition, information from Israel's medical marijuana program (7) suggests that the average daily amount used by patients was approximately 1.5 grams of dried cannabis per day in 2011-2012 (Health Canada personal communication)."

123. A "personal communication" from Israel ("Hey Izzy, suggest a number!") is not a survey in a peer-reviewed journal on Israel's medical marijuana program suggesting the average daily amount used by patients was approximately 1.5 grams of per day in 2011-2012.

124. Of the studies cited at Health Canada's "Information for Health Care Professionals" page (1) Clark discusses single doses; (2) Carter has "informal surveys" citing (3) Chang who studies fixed 3.6g/day, not different daily dosages, and (4) Vinciguerra who studies fixed 1.5g/d, again, not different daily dosage; (5) Ware doesn't mention daily dosage at all; (6) Hazencamp isn't found; (7) Izzy's suggestion shouldn't count.

BELL CURVE #1



.54 .58 .61 .65 .68 .72 .75 .79g .82

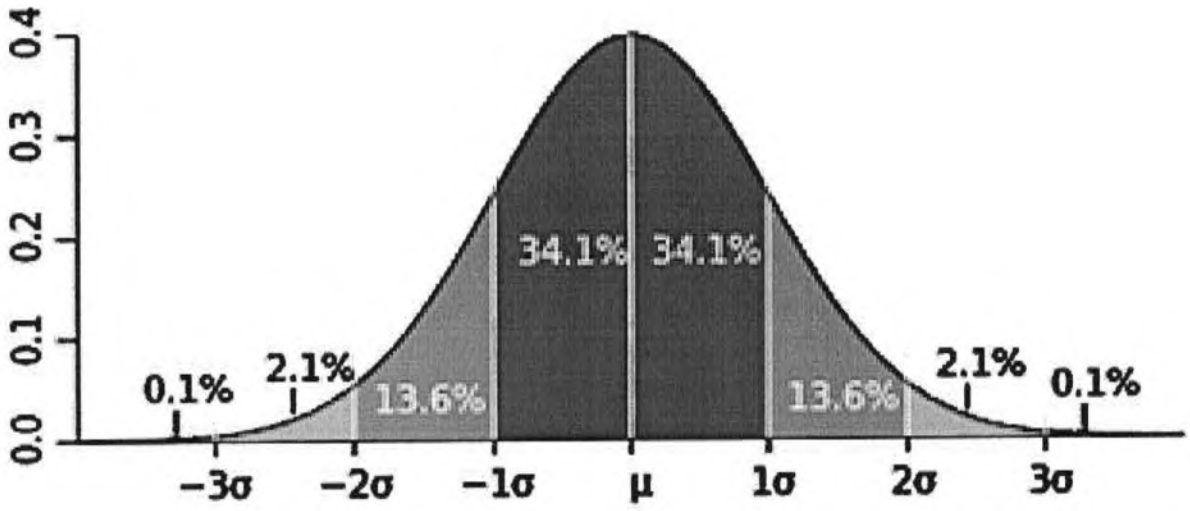
125. Presuming the Hazencamp survey of 5,000 patients may exist, it stated the Standard Deviation Error for their Bell Curve range around their average of 0.68 was .065-0.72. Under the Bell Curve, half the results reported more and half reported less than 0.68g/d. Bell Curve #1 shows that 3,333/5,000 results (66%) fell between 0.65-0.72; and 4,750/5,000 results (95%) fell between 0.61-0.75. 4,985/5,000 (99.7%) fall within 0.575-0.785, and 4,999.7/5,000 (99.997%) fell within 0.54-0.82. It's 33,000:1 against a result exceeding 0.82g. It's millions to one against 0.9g/d. Billions to one against hitting 1g/d in that study.

126. Yet, Health cited the informal Israeli "survey" suggesting an average of 1.5g/d. For the Dutch 0.68 average survey to find someone consuming 1.5g/day is (1.50- someone notice the two polls contradicted each other? Reputable polls cannot have one poll with double the average

of the other. It is completely improbable that both surveys could be honest random samplings of the general population consumption with the same parameters sought to define the 150g limit.

127. The actual Canadian mean of 18 is (18.0-.68)/.034 = 500 Standard Deviations that their Netherlands survey average!!! It cannot be an accurate representation of Canadian demand upon which to base the 150 gram limit! It would be a miracle that one, let alone the average of Canada's 40,000 users, should be so off the 0.68g/d average cited in the Netherlands survey.

BELL CURVE #2



15.3 16.2 17.1 18 18.9 19.8 20.7

128. Bell Curve #2 shows the actual known mean of 18 and presuming the same spread of 5% either side of the mean, that's 17.1-18.9g for 1SD, 16.2-19.8 for 2SD, 15.3-20.7 for 3SD and 14.4-21.6 for 4SD. For any surveys sampling a

Canadian population with known mean of 18g to claim results with Bell Curves around averages of 3g [(18-3)/0.9 = 17SD] or 1g [(18-1)/0.9 = 19SD] cannot be taken as valid or honest. The fix was in. There were different parameters used.

129. So actually, not one of the studies cited in Health Canada testimony backs up the proposition that the proper estimated daily average of averages is 2 grams per day in the face of actual admitted evidence that it is 18 grams per day when self-produced. Not one article in any peer-reviewed journal suggesting daily dosage of 1-3g/d [Average = 2g] to validate the 5g/d, hence 150g per month, limit of 150 grams imposed by the new MMPR.

130. I had asked the court below to allow me to have our motion for the same relief on far more issues also heard before Justice Manson made his decision in Allard et al v. HMTQ, was refused. In his Mar 21 2014 decision, Manson J. stated:

> "iii. Speculation about the Effect of Limits on Personal Production
>
> [86] The Respondent also argues that the Applicants' concerns regarding the limits on personal possession under the MMPR are unfounded. The new limit of 150 grams limit was based on an average use of 1-3 grams [Average of 1-3 = 2] per day of medicinal marihuana by those being supplied by Health Canada and reflects appropriate dosage amounts identified in scientific literature.
> [87] As stated above, the harm alleged must not be

hypothetical or speculative. It cannot be comprised of generalized assertions, unsupported by evidence and it must be real and substantial. However, harm that will occur in the future does not necessarily mean the harm is speculative. Instead, it is "...the likelihood of harm, not its futurity, which is the touchstone" (Horii v Canada, [1991] FCJ No 984 at para 13).

[88] Paragraph 59 in RJR-MacDonald also alludes to a wrinkle in interlocutory injunctions in the context of this motion. The ability to compensate in damages, a traditional measure of what constitutes reparable harm, is complicated in constitutional cases, as damages are presumptively unavailable against the government for enacting unconstitutional legislation in the absence of bad faith or an abuse of power (Mackin at paras 78-80). I consider the Applicants' citation of RJR-Macdonald at para 61 to be apt: "...it is appropriate to assume that the financial damage which will be suffered by an applicant following a refusal of relief, even though capable of quantification, constitutes irreparable harm.

[89] Turning to the evidence, I agree with the Respondent that there is inadequate evidence to show that there will be an insufficient supply of marihuana under the MMPR. Mr. Cain details in his affidavit the steps that Health Canada has taken to forecast consumer demand and the various contingencies put in place to deal with a shortfall, including stockpiling marihuana and arranging for imports, if necessary. The

> Applicants' argument with regard to supply amount to nothing more than speculative assertions.
> [91] The Applicants also have failed to prove that the 150 gram personal possession limit imposed by the MMPR would constitute irreparable harm.

131. Because our motion was not on the docket to point out Health Canada's fraudulent statistical evidence, Justice Manson has now based his ruling on Health Canada's perjured testimony. His 150g monthly limit derived from Health Canada's average 2g/d survey samples is actually 9 times too low! Given the true population mean is 18g, not 2g, a month's supply for the average patient would be 540g rather than 60g (30g-90g)! And given Health Canada's 2.5 safety factor for those dosages above average, that would be not 150 grams maximum per delivery but 1,350 grams shippable!! Health Canada offers supply 9 times too slow supply, an underestimate of 89%!

132. As well, none of the Allard Plaintiff's are large users while Laurence Cherniak's latest prescription was for 200g/d. How could Justice Manson have explained a 150-gram limit to those with prescriptions greater than 150 grams per day if they had been there?

133. Justice Manson noted in Para.55 that despite a daily average of 18g/d total prescription, Health Canada's retail sales were 1-3g/d [Average = 2g/d]. To impose on the group a new limit based not on actual total volume prescribed but on retail sales with the home-grown production excluded was a serious mis-under-estimate of true demand.

134. Given Health Canada has no peer-reviewed surveys upon which to base their regularly-cited 2g/d average of averages when objective data was always available of the average being 18g/d, it is submitted that the 150 gram limit on the amount of cannabis possessed and shipped has been set 9 times too low based on false and misleading testimony and evidence.

21) Hemp production stifled by Health Canada red-tape

135. Wheat acreage in Canada is about 25,000,000 acres. Canola is about 20,000,000 acres. Hemp has averaged 25,000 acres under the impediment of Health Canada red-tape. Dealing with a prohibited plant causes inefficiencies that have kept hemp production a thousand-fold less than wheat. And though it has a seed yield comparable to other grains, it has a stalk that also is of untold uses. Yet, the most-useful plant of yore has been kept at minimum production that can only be attributable to Health Canada Regulations.

136. The most egregious such regulation is that hemp grown must contain less than 0.3% THC. With marijuana on the street containing 6-25% THC, making the threshold 20-fold less than necessary eliminates the use of any plants between 0.3% and 6% from being harvested for the tree, not the flower. The Canadian economy needs this most-beneficial source of biomass so badly that its suppression is causing detrimental effect on all the citizens of that economy.

B) POOR NO LONGER HAVE AFFORDABLE ACCESS TO SELF-GROW

137. Letting the MMAR expire has left all Canadians who cannot afford MMPR prices unable to grow an affordable supply for themselves legal and most will be compelled to face the Parker Predicament, Health or Jail?, which was ruled in violation of S.7 of the Charter. Failing to safety the sick among the poor with the sick among the rich inflicts on the poor group conditions of life calculated to bring about its physical destruction.

GENOCIDAL EFFECT

138. The Criminal code states:

> Definition of "genocide"
> 318. (2) In this section, "genocide" means any of the following acts committed with intent to destroy in whole or in part any identifiable group, namely,
> (b) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

139. Health Canada's fraudulently under-estimate of the average cannabis dosage required by MMAR and MMPR patients has induced Manson J. to "inflict on the group conditions of life calculated (89%) to bring about its physical destruction" as of April 1 2014. Failure to permit affordable self-production does the same.

140. This Affidavit Expert Report is made in support of a Motion for repeal of all cannabis marijuana prohibitions by striking "marijuana" from Schedule II of the CDSA on the conclusions that the myriad of defects highlighted all tend to reduce rather than increase patient chance of survival depending on access to and supply of their needed legal herbal treatment.

John C. Turmel, B.Eng.,
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Tel/Fax: 519-753-5122, Cell: 519-717-1012
Email: johnturmel@yahoo.com

Sworn before me at ~~Brantford~~ Toronto on April 22 2014

A COMMISSIONER, ETC.

YOGINDER GULIA
REGISTRY OFFICER
AGENT DU GREFFE

SCHEDULE A

JOHN C. TURMEL, B. ENG.: CURRICULUM VITAE

John C. Turmel, B.Eng.,
50 Brant Ave.,
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Email: johnturmel@yahoo.com
http://johnturmel.com
http://facebook.com/john.turmel
http://youtube.com/kingofthepaupers
http://johnturmel.com/gambler.htm details gambling career.

1974 at Ottawa: As an electrical engineering undergraduate student at Carleton University, I received an A+ in the first and only course of its kind in Canada, Math 69:140: the Mathematics of Gambling, given by Carleton University Mathematics Professor Walter Schneider, Ph.d. I got 100% in Physics, an A+ in Fourth Year Electronic Engineering, while the lesser grades in earlier years show the effect of too much card-playing in the student lounge.

1975-8: I was the Teaching Assistant of the Mathematics of Gambling course and became a professional gambler junketing on over 50 5-day junkets to Las Vegas casinos.

In 1975, I ran the first university-student card-counting team in Las Vegas with students from the Carleton gambling course; a decade before the later more-celebrated university teams.

1976 at Las Vegas: My Fourth Year Engineering Project titled "A APL Computer Analysis of Canadian Stud" which was presented to the Third Conference on Gambling at Ceasar's Palace.

1977 at Ottawa: After eventually being barred in Las Vegas as a too-successful Blackjack card-counter, with Blackjack now beatable by skill like no-rake Poker, U-May-Bank Blackjack should be legal like no-rake poker too and I started running U-Bank Blackjack games until busted and convicted.

In 1979, I first ran for Parliament to legalize gambling though reprogramming our world's banks to run like poker chips, interest-free, which became the main focus of my Guinness Record 77 Elections Contested and 76 Elections Lost, one called off, since then. "Super Loser," or "Winner at the tables, loser at the polls" the media like joke.

1980s: I hosted very public Ottawa Regional Holdem Poker tournaments which are completely legal as long the organizer nets no profit after expenses!

1984: I was featured in the Anthology of Canadian Canadian Characters and have been searchable as the "Great Canadian Gambler" since then.

1989 at Ottawa: Ontario Justice James Fontana ruled the Found-Ins charged at my game could not be guilty since U-Bank Blackjack was a fair game! Once he had ruled they had not been unfairly taken advantage of by the Keeper

possessing the bank all the time, Justice Lennox found I could not have kept an illegal gaming house if I had no extra advantage! So I was finally free to run U-Bank Blackjack with no-rake-off poker.

1991 at Hull Quebec: I introduced Holdem Poker to Quebec at my 7-table Casino Turmel on "Main Street" in Hull (4 Blackjack, 3 Poker) and hosted the First Canadian Open Holdem Championship, and six more since then. "Operation Blackjack" by the Quebec Police shut down Casino Turmel.

1992 at Ottawa: Back in Ontario where I'd been acquitted, I introduced Holdem poker to Ontario at my 6-table (3 Blackjack, 3 Poker) Casino Turmel at Baxter Plaza in Ottawa. When I was left alone, I moved to a bigger 28-table (21 Blackjack and 7 Poker) Casino Turmel at Topaz Plaza.

1993: The Ontario Provincial Police "Project Robin Hood" raid shut down the Topaz Casino Turmel. I've submitted the Project Robin Hood Raid to the Guinness Book of Records as the biggest gambling house raid. In order to convict me after I'd been formerly acquitted, expanded the meaning of a word to convict winnings that had been formerly declared legal. The new definition is now in the Criminal Code: "Gain" - as used in S.197 para.(a), "gain" can include direct winnings. Consequently, where the accused was an exceptionally skilled professional gambler who supported the commercial gambling establishment and paid employees out of his large winnings, the premises fall within the meaning of "common gaming house" R. v. Turmel (1996) 109 C.C.C. (3d) 162 (Ont.C.A.)

I have been accredited expert witness status in matters related to the Mathematics of Gambling eight times.

1980 at Hull: Quebec Provincial Court Judge Charron.

1981 at Ottawa: Ontario Provincial Court Judge Hutton.

1981 at Ottawa: Ontario Provincial Court Judge White.

1980s at Hull: I was to be expert witness in Quebec Provincial Court and the charges were withdrawn.

1989 at Ottawa: Ontario Provincial Court Judge Fontana where I was the Crown's main witness and asked to be accredited by Defence which won.

1993 at Ottawa: Ontario Provincial Court Judge Wright;

1994 at Mississauga: Ontario Provincial Court Judge Rosemay;

2003 at Ottawa: Federal Tax Court Justice Diane Campbell in Epel v. The Queen 2003 TCC 707 (CanLII) who ruled Epel's non-professional gambling winnings were not taxable in Canada as Turmel's professional winnings were.

1995 United States & Atlantic City: I spent the next seven years playing professional poker in the United States where I became known as "The Professor" at the Trump Taj Mahal in Atlantic City whose poker room was featured in the movie "Rounders." I boast the highest hourly win rate in the world over the past 25 years. Among the piranhas mentioned in Rounders, the TajProfessor was The Great White Shark.

Since 2000, I have played poker professionally in Canada, for the past 10 years at the OLG Brantford Poker Room. I authored "Play Holdem Poker like a Bookie" and "How to deal 60 Holdem hands per hour" and have engineered many new Poker Power Tools to help up my world-record bets-per- hour win rate which I have published in instructional poker videos at http://johnturmel.com/tajprofessor.htm An online search would find I am the only Professor of Poker Systems Engineering or Professor of Banking Systems Engineering on the planet.

My expertise is the application of game theoretic analysis to determine the odds of real world physics.

Since 2000, I have devoted much of my attention to decriminalizing the safest herbal remedy known to man and opining how its prohibition results in the reduced chance of good health and survival by patients who would benefit from it but who cannot access it in least time. Then the patient witnesses how much pain or threat each tort in the MMAR caused them to suffer under.

Dated at Brantford on July 23 2013.

File No: T-488-14

FEDERAL COURT OF APPEAL

BETWEEN:

JOHN C. TURMEL

Plaintiff

and

HER MAJESTY THE QUEEN

Respondent

EXPERT WITNESS CERTIFICATE CONCERNING CODE OF CONDUCT
(Pursuant to Rule 52.2)

I, John C. Turmel, B. Eng., having been named as an expert witness by the Plaintiff, certify that I have read the Code of Conduct for Expert Witnesses set out in the schedule to the Federal Court Rules and agree to be bound by it.

Dated at Brantford on Tuesday April 22 2014.

JC Turmel

John C. Turmel, B.Eng.,
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Tel/Fax: 519-753-5122, Cell: 519-717-1012
Email: johnturmel@yahoo.com

TO: Registrar of this Court
Attorney General for Canada

File No: T-488-14

FEDERAL COURT

BETWEEN:

JOHN C. TURMEL
Plaintiff

and

HER MAJESTY THE QUEEN
Respondent

AFFIDAVIT OF THE EXPERT REPORT OF JOHN C. TURMEL, B.ENG. (Expert in Mathematics of Gambling)

For the Plaintiff:
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Tel/Fax: 519-753-5122,
Cell: 519-717-1012
Email: johnturmel@yahoo.com

File No: T-488-14

FEDERAL COURT OF APPEAL

BETWEEN:

JOHN C. TURMEL

Plaintiff

and

HER MAJESTY THE QUEEN

Respondent

PLAINTIFF'S MEMORANDUM

PART I - STATEMENT OF FACTS

1. The Affidavit Expert Report details the myriad of defects in the MMAR and MMPR medical exemption regimes that render it irreparably unconstitutional and seeks a declaration that the MMAR and MMPR exemption regimes are unconstitutional.

2. On the basis of the R. v. J.P. decision that quashed the charge of the accused ruling a Bad Exemption means there was No Offence ("BENO"), Plaintiff has moved this Court to declare the prohibitions on cannabis marijuana in the CDSA to be invalid "absent the constitutionally acceptable medical exemption" by striking the word "marijuana" off Schedule II of the CDSA.

PART II - POINT OF ISSUE

5. Do the multiple impediments to patient access and supply make the MMAR and MMPR exemptions so irreparable they are unconstitutionally illusory in violation of the S.7 Charter Right to Life?

Should the Court declare the prohibitions on cannabis marijuana to be of No Offence "absent a constitutionally-acceptable medical exemption?"

PART III - SUBMISSIONS

8. The prohibition of cannabis and the stifling of marijuana and hemp production has been a catastrophe for both patients in need of medical marijuana and the Canadian economy in need of a valuable resource.

In examining all the defects in the regimes, there can only he the conclusion that there is no way to effectively provide access and supply for Canada's medically-needy under either regime.

Given the prohibition inflicts on the group conditions of life calculated to bring about our physical destruction, this is of national importance.

PART IV - ORDER SOUGHT

A1) that the Medical Marihuana Access Regulations (MMAR) that came into force on Jul 30 2001 and the Marihuana for

Medical Purposes Regulations (MMPR) that came into force on June 19, 2013, (and run concurrently with the MMAR until March 31, 2014 when the MMAR will be repealed by the MMPR) are unconstitutional and not saved by S.1 of the Charter in that the s. 7 Charter constitutional right of a medically needy patient to reasonable access to his/her medicine by way of a safe and continuous supply consistent with the S.7 Charter right is unreasonably restricted by the impediments to access and/or supply in the MMAR and/or MMPR;

A2) And that, "absent a constitutionally acceptable medical exemption," the prohibitions on marihuana in the Controlled Drugs and Substances Act (CDSA) are invalid and the word "marijuana" be struck from Schedule II of the CDSA.

Dated at Brantford on Tuesday April 22 2014.

John C. Turmel, B.Eng.,
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Email: johnturmel@yahoo.com

TO: Registrar of this Court
Attorney General for Canada

AUTHORITIES
No Authorities relied on

REGULATIONS CITED
No regulations cited.

File No: T-488-14

FEDERAL COURT

BETWEEN:

JOHN C. TURMEL
Plaintiff

and

HER MAJESTY THE QUEEN
Respondent

PLAINTIFF'S MEMORANDUM

For the Plaintiff:
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File No: T-488-14

FEDERAL COURT

BETWEEN:

JOHN C. TURMEL
Plaintiff

and

HER MAJESTY THE QUEEN
Respondent

RECORD OF MOTION

For the Plaintiff:
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THIS IS EXHIBIT "31" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

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50 Brant Ave., Brantford, N3T 3G7,
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Wednesday April 23 2014

Letter to the Federal Court Administrator Fax: 416-973-2154

Dear Sir/Lady:

Further to yesterday's letter, I would point out Her Majesty has fallen in Default of filing Her Statement of Defence in the claims of 18 of the first 25 Plaintiffs whose motions were stayed on Mar 7 2014.
One or all may now move for Summary Judgment without any of the documentary glitches my file suffers.
Amending my Statement of Claim to conform with the format in the other S.48 Claims is as simple as deleting the first few paragraphs of the standard blurb for Statements of Claim.
Other than that, since this cannot be a simplified action despite what I was compelled to inscribe, I would submit that line could also be deleted.
Without me, the author of the arguments, making those arguments before the other Plaintiffs, as many as possible of them will have to file their own Motions to make sure there are enough people involved to cover everything I would have made sure to cover.
As to the request of some home-bound Plaintiffs to be able to tune by Skype, I appreciate the difficulties with such a large number and would suggest that a LiveStream broadcast to them where they could post any final points they would have been offered the chance to make at the live hearing had they been able to attend to the chat function.
I would expect other Plaintiffs won't have much to say when I'm through, I hope, but this is a unique event with unique requirements and I can't think of an easier way for all to have their say than by facilitating a LiveStream with chat.

JC Turmel

John C. Turmel

CC: Attorney General for Canada Fax: 613-954-1920

ATTN: Jim Outtrim

THIS IS EXHIBIT "32" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

Federal Court Cour fédérale

Date: 20140507

Citation: 2014 FC 435

BETWEEN:

In the matter of numerous filings seeking a declaration pursuant to s. 52 (1) of *the Canadian Charter of Rights and Freedoms ("The Charter")*;

and

In the matter of numerous motions requesting interim or interlocutory relief pursuant to s. 24(1) of *The Charter* with regards to changes to the *Marihuana Medical Access Regulations ("MMAR") and the Marihuana for Medical Purposes Regulations ("MMPR".)*

REASONS FOR ORDER

PHELAN J.

I. Introduction

[1] These are the reasons for this Court staying, with limited exceptions, all further proceedings in respect of these files. The reasons address the Defendant/Respondent's (referred

to as “Defendant”) motion for a stay of these proceedings and related motions by some Plaintiffs/Applicants (referred to as “Plaintiff”) resisting the stay.

II. Background

[2] This motion relates to challenges filed to date across Canada to the constitutionality of the *Marihuana for Medical Purposes Regulations* [MMPR] which replaced, as of March 31, 2014, the *Marihuana Medical Access Regulations* [MMAR]. In some cases the Plaintiffs seek a permanent constitutional exemption and damages.

[3] There are, as of this date, approximately 222 challenges (by way of application and/or statement of claim) filed by self-represented litigants. In some of these matters, the person has also sought interim relief by way of an exemption from the application of the MMPR until the Court has determined the case of *Neil Allard et al v Her Majesty the Queen in Right of Canada*, Federal Court File No. T-2030-13 [Allard Litigation].

[4] Several of these lay litigants have followed the advice and used the precedents created by John Turmel, a litigant here. The statement of claim/applications are based on the downloadable documents “Turmel’s Grow-Op Exemption Kits and/or Legal Defence Kit”.

[5] These current proceedings have their genesis in an action in this Court filed in British Columbia by Neil Allard and others. The Allard Plaintiffs are represented by experienced counsel. That action has been case managed by Justice Manson and seeks relief very close, if not identical, to the relief sought in these 222 proceedings.

[6] The Allard Litigation is now scheduled for hearing in February 2015.

[7] In the course of the Allard Litigation, those plaintiffs sought an interlocutory injunction pending trial on behalf of all persons medically approved to possess marihuana under the MMAR. This motion proceeded on a full record of evidence including medical diagnoses, their experience obtaining marihuana for medical purposes, evidence from Health Canada officials and from experts in areas such as psychology, drug law and policy, law enforcement and health economics.

[8] On March 21, 2014, Justice Manson issued an injunction [Allard Injunction]. The injunction provides that Authorizations to Possess [ATPs] medical marihuana granted under the MMAR that were valid on March 21, 2014 and associated Personal Use Production Licences [PUPLs] and Designated-Perm Production Licences [DPPLs] valid on September 30, 2013 remain valid under the terms of those authorizations, with the exception that the amount of marihuana that can be possessed under the ATP is now limited to 150 grams.

[9] This injunction order has been appealed and cross-appealed and is yet to be scheduled for hearing.

[10] There are a few other claims of a similar nature filed in provincial superior courts, many of which have been stayed on consent.

[11] The issue to be determined is whether all of the proceedings listed in the style of cause should be stayed pending the determination of the Allard Litigation.

III. Analysis

[12] The Court is faced with a somewhat unprecedented situation of hundreds of lay litigants, some following a form of kit, others proceeding independently. At this stage, it is difficult to identify a lead file or to realistically coordinate all the Plaintiffs.

[13] There are technical aspects with some pleadings (seeking damages in an application, seeking declarations in an action, etc.). There is a dearth of detail in some of the pleadings and in the motions for interim relief.

[14] While there are a large number of parties similarly situated to the Allard plaintiffs, there are numerous parties who have their own situations. The motion by Mr. Hunt and the pleading by Mr. Francisco are examples of distinction and of similarity to the Allard Litigation.

[15] The parties on both sides appear to recognize that there are at least five circumstances of classification of Plaintiff:

- those similarly situated to Allard et al. These individuals had MMAR permits that were valid as of March 21, 2014 (for ATP) and September 30, 2013 (for PUPL and DPPL);

- those who are similarly situated to Allard et al who claim the Allard dosage restriction is too severe.

- those who have medical needs attested to by a doctor's prescription but for one reason or another just do not make the Allard cut-off criteria. This category includes individuals who had MMAR permits which had lapsed at the relevant dates;

- those who have medical needs which are not attested to by a doctor's prescription and who were not entitled to an MMAR permit; and

- those who have no medical needs but claim the right to use marihuana for reasons as diverse as "self actualization" and "preventive medicine".

[16] While the Plaintiffs may not be entitled as of right to claim the benefits of the Allard Injunction since it is based on each person's proven circumstances, Canada has agreed that they consent to an order granting those parties who claim interim relief and who meet the Allard criteria, the terms of the Allard Injunction. Canada is prepared to so consent if a stay of those proceedings is granted.

[17] With respect to whether a stay should be granted, the Court is given very broad discretion under s 50(1)*(b)*:

50. (1) The Federal Court of Appeal or the Federal Court	50. (1) La Cour d'appel fédérale et la Cour fédérale ont

may, in its discretion, stay proceedings in any cause or matter	le pouvoir discrétionnaire de suspendre les procédures dans toute affaire :
(b) where for any other reason it is in the interest of justice that the proceedings be stayed.	*b)* lorsque, pour quelque autre raison, l'intérêt de la justice l'exige.

[18] Justice Farley of the Superior Court of Ontario in *Hollinger International Inc v Hollinger Inc*, [2004] O.J. No 3464 (Sup Ct J), outlined some of the factors which a court might consider in granting a stay:

- whether there is substantial overlap of issues;
- whether the cases share the same factual background;
- whether a temporary stay will prevent unnecessary and costly duplication of judicial and legal resources; and
- whether the temporary stay will result in an injustice to one or more of the parties resisting the stay.

[19] While these are helpful and applicable factors which I have considered, each such stay turns on its facts.

[20] In granting the stay, I have been particularly influenced by the need to balance efficiency of court process with the true and demonstrable needs of some litigants for interim relief. In that

regard Canada's consent to include certain parties in the Allard Injunction terms goes a long way to striking that balance for those persons even though some may not be content with the dosage restriction.

[21] The state of the many files before the Court is also relevant. Many suffer from a paucity of information. Those using the Turmel Kit blindly may wish to consider whether doing so will advance their particular interest. Vague generality and hyperbole are not always of assistance.

[22] The Allard Litigation is much further advanced than any of the cases here. The resolution of Allard will likely, at a minimum, reduce the issues in play, clarify those remaining and potentially simplify the litigation for all lay litigants.

[23] In this regard, there is substantial overlap with Allard. While as one plaintiff pointed out that there are more issues raised in the present litigation than in Allard, one must assess not just the number of issues raised but the weight/substance of those issues not also raised in Allard.

[24] Each person's facts are slightly and in some instances materially different, however there are some areas of commonality with Allard. A determination in Allard will clear away some issues for the lay litigants and will save judicial resources.

[25] Many of the parties felt that they would suffer prejudice if a stay was granted. Realistically none of the present cases will be decided before Allard. Each party's situation remains open to litigation later if necessary.

[26] In fashioning the terms of the stay, the Court has retained jurisdiction to address changed or unforeseen circumstances. The potential for those who claimed interim relief and who do not fit the Allard criteria, to have their interim needs addressed reduces, if not eliminates, the type of prejudice alluded to in the hearing.

[27] Therefore, the motion is granted without costs on terms specified in the Order.

[28] In dealing with amendments and leave to proceed further and similar matters, the parties shall do so by using Rule 369 (motions in writing) and the Court may exercise its discretion to dispose of the matter on that basis or where appropriate proceed by way of a hearing.

"Michael L. Phelan"
Judge

Ottawa, Ontario
May 7, 2014

SCHEDULE A

T-485-14	T-486-14	T-487-14
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T-546-14	T-548-14	T-553-14
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T-1066-14	T-1067-14	T-1070-14

T-1076-14	T-1087-14	T-1088-14
T-1089-14	T-1099-14	T-1101-14
T-1104-14	T-1106-14	T-1107-14

THIS IS EXHIBIT "33" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

TEAM GOLD STAR
John Turmel's Gold Star Team

Search Site:

→

FILING THE STATEMENT OF CLAIM
Every one has to start with the originating Statement of Claim. You open your Action by mailing or bringing 4 copies of the Statement of Claim to the Registry with the $2 fee. But why do all that printing when it can all be done online for free?
The Registry serves the Attorney General the originating document and sends you
your Statement of Claim with Gold Star. .

The Statement of Claim files
If you can amend and sign PDFs,
use **http://johnturmel.com/mmprsc.pdf** Statement of Claim
If not, use one of these formats to amend with your information and signature::
http://johnturmel.com/mmprsc.doc

http://johnturmel.com/mmprsc.docx

http://johnturmel.com/mmprsc.dotx

http://johnturmel.com/mmprsc.rtf

COMPENSATION FOR DAMAGES:

You'll need to figure out your damages claim for the loss of:

If you have or had an ATP, input storage and plant limits

Stored Grams: ____ @ $15/gram Prairie Price = $_____

Plants: _____ @ $1,000/plant = $_____

If you shut down or have to shut down: Production site investment = $_____

If you lost 3 months of grow cycle, that's a 90 days times your dosage:

Grow-cycle loss by H.C. Order = Dosage _____ * Days _____ = $_____

If you have to pay Prairie Plant prices until you're 90, you'll need:

Gr/day: _____ x 365 x $15 x ___Yrs to 90 = $_____

Total: = $_____

Filling in the blanks,
Print your name on Page 1.
Print your claim $ on Page 2 under the C relief.
Print your claim $ on 2nd last page under the C relief.
Print the city and province where you want to have it tried on last page
Print the place and date,add personal information.
Add signature.
Fill info on Back Page

HOW TO SIGN THE PDF FILE

1) Sign on a blank line. Scan it to jpg. Plug it into your .doc. Save as PDF.

2) - in adobe reader under the file menu, select 'get documents
- click clear my signature button just to be sure, then draw a new one in the white
space provided under 'draw my signature' with your mouse! Make sure you do this.
- then click 'accept' if you are satisfied with it, otherwise click 'clear my signature' and
do it over again and again until it's close enough to your real one that it's acceptable atleast.
- now on the right side again click 'place my signature' and then just move your mouse
over to where it should go and click to place it where you want, and then you can resize
it or whatever you want to make it look how you want.
- finally save the (.pdf) file now using 'save as' under the file menu. (remember where
you saved it to!)

Now you file your Interim Motion for exemption for personal medical use

Note: JCT "Do not file any motions until quarterback calls signal. This is only what the next updated one will look like."

Motion Record:
http://johnturmel.com/mmprn4.doc
and
http://johnturmel.com/mmprn4.pdf

Letter to Admin:
http://johnturmel.com/mmprn4l.doc
and
http://johnturmel.com/mmprn4l.pdf

Fax Service
http://johnturmel.com/mmprn4fx.doc
and
http://johnturmel.com/mmprn4fx.pdf

END PROHIBITION

THIS IS EXHIBIT "34" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

Federal Court Cour fédérale

Date: 20140604

Citation: 2014 FC 537

BETWEEN:

In the matter of numerous filings seeking a declaration pursuant to s. 52 (1) of *the Canadian Charter of Rights and Freedoms ("The Charter")*;

and

In the matter of numerous motions requesting interim or interlocutory relief pursuant to s. 24(1) of *The Charter* with regards to changes to the *Marihuana Medical Access Regulations ("MMAR") and the Marihuana for Medical Purposes Regulations ("MMPR".)*

REASONS FOR ORDER

PHELAN J.

I. Introduction

[1] These are the reasons for this Court dismissing the motions for interim relief brought by claimants in these proceedings.

II. Background

[2] Numerous self-represented litigants have commenced proceedings in this Court challenging the constitutionality of the *Marihuana Medical Access Regulations*, SOR/2001-227 [MMAR] and the *Marihuana for Medical Purposes Regulations*, SOR/2013-119 [MMPR]. On March 31, 2014 the MMPR replaced the MMAR.

[3] The constitutionality of the MMPR has been challenged in *Allard et al v Her Majesty the Queen in Right of Canada*, Federal Court File No T-2030-13 [Allard Litigation]. The Allard plaintiffs brought a motion for an interlocutory injunction or an interlocutory constitutional exemption, together with an order in the nature of mandamus on January 31, 2014. In this motion as well as the underlying action, the Allard plaintiffs seek to invalidate many changes introduced in the MMPR, which they claim violate their section 7 *Charter* rights.

[4] The Allard plaintiffs' motion for interim relief was heard by Justice Manson on March 18, 2014. In a decision dated March 21, 2014 Justice Manson applied the test set out in *RJR-MacDonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311 [*RJR MacDonald*]. He found:

a) The Allard plaintiffs have established a serious issue to be tried. Their section 7 liberty interests may be infringed should they continue to produce marihuana, given the possession offences of the *Controlled Drugs and Substances* Act, SC 1996, c 19 [CDSA];

b) The Allard plaintiffs are likely to suffer irreparable harm if interim relief is not granted. They had provided sufficient evidence to show they will be unable to afford marihuana produced under the MMPR, and that this inability will likely affect either their health, endanger their liberty or severely impoverish them (at para 92). This harm could not be remedied given the difficulties in receiving damages in constitution cases (at para 96);

c) The balance of convenience favours the Allard plaintiffs. The harm they would suffer should interim relief not be granted outweighed the public interest in upholding the MMPR.

[5] Having concluded that the Allard Plaintiffs meet the *RJR MacDonald* requirements, Justice Manson issued an injunction [Allard Injunction]. The injunction provides that

a) Authorizations to Possess [ATP] medical marihuana that were granted under the MMAR and were valid on March 21, 2014; and

b) Personal Use Production Licenses [PUPL] and Designated-Person Production Licenses [DPPL] that were granted under the MMAR and were valid on September 30, 2013

remain valid under the terms of those authorizations. Effectively, the injunction "grandfathered" MMAR permits which were valid on the relevant dates pending trial of the Allard Litigation. One exception is that the amount of marihuana that can be possessed under an ATP is now limited to 150 grams. The relevant dates were chosen to reflect amendments in the MMAR regime; no PUPL or DPPL licenses were issued after September 30th, 2013, unless the application for such a license was received prior to that date.

[6] Only two of the four Allard plaintiffs were entitled to the benefit of the Allard Injunction (Mr Neil Allard and Mr Shawn Davey). The other two (Ms Tanya Beemish and Mr. David Herbert), although having held MMAR permits at one time, did not have a valid permit at the relevant dates and accordingly were not entitled to the benefit of the Allard Injunction. Their access to medical marihuana, as for all first time applicants, is now governed by the MMPR.

[7] Thus, in issuing the Allard Injunction, Justice Manson considered

a) individuals with valid MMAR permits at the relevant times;

b) individuals with demonstrated medical need who at one time qualified for MMAR permits but who did not have such a permit at the relevant time; and

c) individuals who may apply for medical marihuana permits in the future.

Only the first group is entitled to the benefit of the injunction.

[8] The Allard Litigation is now scheduled for hearing in February 2015.

[9] Beginning in February 2014, a large number of self represented claimants have been filing boilerplate pleadings in the Federal Court seeking relief which is substantially similar to that being sought by the Allard plaintiffs [Self Rep Claimants]. In particular, the Self Rep Claimants seek declarations that both the MMAR and MMPR violate section 7, permanent personal exemptions from the prohibitions on marihuana in the CDSA and damages for the loss of the claimants' marihuana. There are presently approximately 275 claimants.

[10] Many Self Rep Claimants have also filed motions for interim relief (also largely boilerplate) seeking a constitutional exemption from the prohibition against marihuana in the CDSA for personal medical use.

[11] In a decision reported at 2014 FC 435, this Court stayed most of the Self Rep proceedings pending a final resolution in the Allard Litigation on May 7, 2014. Self Rep Claimants who had filed motions for interim relief were given ten days to amend their pleadings to provide such additional evidence and submissions as they deemed necessary.

[12] Some of the Self Rep Claimants are entitled to the benefit of the Allard Injunction by virtue of holding valid MMAR permits at the relevant dates. The Allard Injunction applies to all MMAR permit-holders whose permits were valid as of the relevant dates. Justice Manson wrote at para 127:

> "In other words, those individuals who are authorized to possess or produce marihuana, as of the relevant dates, may continue to do [so] after March 31, 2014 until their constitutional rights with respect to the MMPR are decided at trial."

The Crown has acknowledged that the Allard Injunction extends beyond the plaintiffs in that case to all persons authorized under the MMAR on the relevant dates to possess and produce marihuana.

[13] In support of its motion for an order confirming that these proceedings are stayed, on May 14, 2014 the Crown identified the Self Rep Claimants who are entitled to the benefit of the Allard Injunction, and submitted an affidavit indicating that these claimants were identified by reference to the Safe Access to Medical Marihuana database, maintained by Health Canada.

None of these Claimants disputed the Crown's characterization as to whether or not they were entitled to the Allard Injunction.

[14] These Claimants request interim relief on the basis that it is necessary to protect their health pending trial. They submit that neither the MMAR nor the MMPR provide adequate protection from the prohibitions against marihuana in the CDSA, and seek an "interim personal constitutional exemption from the prohibitions on marihuana in the CDSA for the Plaintiff's personal medical use".

[15] The Crown opposes these motions for interim relief. It provided written submissions in response to these motions on April 25, 2014. In a letter dated May 23, 2014 it indicated that it would be further relying on its oral submissions at the April 29th hearing of Canada's related motion for a stay.

[16] The Crown argues against these motions on the basis of the doctrines of judicial comity and abuse of process. It submits that the claimants are attempting to re-litigate the Allard Injunction motion, which has already provided many of them with a remedy.

III. Analysis

[17] The Self Rep Claimants' motions for interim relief each seek the following:

> "…an order pursuant to section 24(1) of the Charter for an [interim or permanent] Constitutional Exemption from the prohibitions on marihuana in the CDSA for the Plaintiff's personal medical use pending trial on the merits of the action."

[18] The motions materials consist of a boiler plate Notice of Motion, Affidavit and Memorandum. In the Notice of Motion, claimants have ticked boxes indicating their purpose of using marihuana, submitted information regarding an ATP permit (where applicable) and indicated the calculations by which they arrived at their damage claim. The Memorandum largely repeats the arguments of the Statement of Claim, such as attacks on the 150 gram limit in the Allard Injunction, on the statistics relied on by the Respondent in the Allard Litigation and allegations of a "genocidal violation" of the claimant's rights.

[19] Some claimants have supplemented the boilerplate pleadings by adding additional information about their medical conditions, experiences with Health Canada or even copied and pasted portions of the (boilerplate) Statement of Claim. Other claimants have only submitted part of the boilerplate package of materials.

[20] As each motion seeks a personal constitutional exemption, the appropriateness of such relief will be considered before any analysis of the other elements of the motion, which may vary in certain cases. Certain Self Rep claimants seek permanent constitutional exemptions and others seek interim exemptions. This distinction is immaterial for present purposes, although the Court notes that a request for a permanent constitutional exemption is not properly brought by way of motion for relief "pending trial of the action".

[21] In the Allard Injunction hearing, Justice Manson declined to issue a similar constitutional exemption. He wrote at para 124:

> "The first form of relief requested by the Applicants [a constitutional exemption] is inappropriate. It would exempt

> medically-approved patients and their designates from the possession, trafficking, and possession for the purposes of production provisions in the CDSA without qualification. This is not the intent of the MMAR, which defined the circumstances under which medically-approved patients could possess and grow marihuana and in what quantities. The relief sought would grant them exemption from the provisions of the CDSA without limitation."

[22] This Court concurs with the reasoning of Justice Manson. The constitutional exemption from the prohibitions on marihuana in the CDSA sought by the claimants (whether interim or permanent) is inappropriate. It is not tailored to remedying an alleged *Charter* violation, but appears essentially unlimited.

[23] The requested exemption does include an apparent limit in the form of the marihuana production and possession being "for the Plaintiff's personal medical use". As the claimants attack the MMAR and MMPR regimes in part for their reliance on doctor's prescription, it is unclear how a valid medical purpose would be established other than in the claimant's discretion. However, the boilerplate affidavit invites claimants to indicate whether their medical purpose for using marihuana is for treatment of a condition, or for prevention. The Court is not satisfied that marihuana's utility in preventing illnesses has been established or that using it for such a purpose would attract *Charter* protection. Perhaps most importantly, the claimants have failed to establish at this time that the medical exemption provided by the MMAR or MMPR violates their *Charter* rights in a way that would be remedied by the proposed constitutional exemption.

[24] The Court is aware that in *R v Parker,* [2000] OJ No 2787, 49 OR (3d) 481 (OCA) [*Parker*], the Ontario Court of Appeal granted a one-year personal constitutional exemption from

the possessions offence under the CDSA to Mr Parker for his medical needs. This was in the context of a broader order which declared the marihuana possession prohibition in section 4 of the CDSA to be invalid, and suspended the declaration of invalidity for a period of twelve months from the release of the decision.

[25] Commenting on the limited availability of a constitutional exemption remedy, Justice Rosenberg wrote at para 208:

> I do not accept the submissions of the intervener that the appropriate remedy is a constitutional exemption for persons requiring marihuana for medical purposes. In Corbiere at p. 225, the court held that the remedy of a constitutional exemption has only been recognized in a very limited way, "to protect the interests of a party who has succeeded in having a legislative provision declared unconstitutional, where the declaration of invalidity has been suspended". Thus, Parker is entitled to a constitutional exemption from the possession offence under the Controlled Drugs and Substances Act during the period of the suspended invalidity for possession of marihuana for his medical needs.

[26] The facts in *Parker* are distinct from those at hand. In *Parker*, there was no exemption from the CDSA marihuana prohibition provisions. The proceedings at hand are distinct because there is an exemption in the form of the MMPR (and in grandfathered MMAR permits for certain claimants); the claimants simply challenge the validity of this exemption. Most importantly, the constitutional exemption was granted in *Parker* in conjunction with a temporary suspension of a declaration of invalidity of the provisions of the CDSA. The Court has not made such an order here.

[27] The limited utility of constitutional exemption as a stand alone remedy was affirmed by the Supreme Court in *R v Ferguson*, 2008 SCC 6. Justice McLachlin wrote in the context of mandatory minimum sentencing laws at paras 63 – 67:

> 63 The jurisprudence of this Court allows a s. 24(1) remedy in connection with a s. 52(1) declaration of invalidity in unusual cases where additional s. 24(1) relief is necessary to provide the claimant with an effective remedy: *R. v. Demers*, [2004] 2 SCR 489, 2004 SCC. However, the argument that s. 24(1) can provide a stand-alone remedy for laws with unconstitutional effects depends on reading s. 24(1) in isolation, rather than in conjunction with the scheme of the *Charter* as a whole, as required by principles of statutory and constitutional interpretation. When s. 24(1) is read in context, it becomes apparent that the intent of the framers of the Constitution was that it function primarily as a remedy for unconstitutional government acts.
>
> ...
>
> 67 Constable Ferguson's principal argument for constitutional exemptions, as we have seen, is an appeal to flexibility. Yet this flexibility comes at a cost: constitutional exemptions buy flexibility at the cost of undermining the rule of law.
>
> [Emphasis added by Court]

[28] In addition, the motions materials are inadequate to grant any relief. Although the motion record contains an affidavit portion which contains different degrees of personal information, each fails to plead sufficient evidence regarding the claimant's personal circumstances to warrant any relief. While some claimants have indicated an ATP permit number, most have failed to provide a copy of that permit or to indicate whether it was relevant on the relevant dates. Further, the claimants' submissions in respect of the law relating to interim relief range from entirely absent to inadequate.

[29] The Court notes that the claimants were given an opportunity to remedy certain deficiencies in their motions materials following the May 7th order; no claimant took advantage of that opportunity. The claimants were given notice of the unlikelihood of receiving a constitutional exemption in the form of Justice Manson's decision, which was appended to the May 7th order.

[30] For these reasons, all motions for interim relief are dismissed without costs.

"Michael L. Phelan"
Judge

Ottawa, Ontario
June 4, 2014

SCHEDULE A

T-485-14	T-487-14	T-516-14
T-517-14	T-518-14	T-523-14
T-529-14	T-530-14	T-531-14
T-538-14	T-543-14	T-548-14
T-553-14	T-560-14	T-561-14
T-564-14	T-565-14	T-566-14
T-567-14	T-575-14	T-576-14
T-579-14	T-581-14	T-582-14
T-584-14	T-585-14	T-586-14
T-587-14	T-588-14	T-591-14
T-593-14	T-594-14	T-595-14
T-596-14	T-597-14	T-599-14
T-602-14	T-604-14	T-607-14
T-610-14	T-612-14	T-613-14
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T-620-14	T-621-14	T-623-14
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T-629-14	T-630-14	T-634-14
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T-988-14	T-989-14	T-992-14
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T-1048-14	T-1053-14	T-1054-14
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T-1070-14	T-1076-14	T-1088-14
T-1106-14	T-1107-14	T-1126-14

SCHEDULE B

T-486-14	T-488-14	T-513-14
T-532-14	T-539-14	T-540-14
T-545-14	T-546-14	T-578-14
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T-633-14	T-635-14	T-637-14
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T-807-14	T-815-14	T-845-14
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T-1049-14	T-1052-14	T-1055-14

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T-1063-14	T-1066-14	T-1067-14
T-1087-14	T-1089-14	T-1099-14
T-1101-14	T-1104-14	T-1130-14
T-1143-14		

FEDERAL COURT

SOLICITORS OF RECORD

STYLE OF CAUSE:	In the matter of numerous filings seeking a declaration pursuant to s. 52 (1) of *the Canadian Charter of Rights and Freedoms ("The Charter")*; and In the matter of numerous motions requesting interim or interlocutory relief pursuant to s. 24(1) of *The Charter* with regards to changes to the *Marihuana Medical Access Regulations ("MMAR") and the Marihuana for Medical Purposes Regulations ("MMPR".)*

MOTIONS IN WRITING CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO RULE 369 OF THE *FEDERAL COURTS RULES*

REASONS FOR ORDER:	PHELAN J.
DATED:	JUNE 4, 2014

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Jerzy Knapik
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Sylvie Allen
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Sheila D. Baker
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Jonathan Howard
Shirley Martineau
Bruce Zwicker
Bobbylee E. Dillman
Anthony David Irons
Michael Daniel Innocente
Eric Arthur Topple
Tanya Lea
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Lenord Cross
Janice Baikie
Michael Jason Custance
Frederick Simon Spencer
James C. Roberts
David B. Shea
Jeffrey Allen
Jacob Settle
Kathleen Anne Murphy
William Siddall
Daniel Toney
Craig John Cousineau
Pam Ritcey
Mathew J. Duke
Daniel J. Innocente
Liza Innocente
Gwendolyn Ann Innocente
Curtis Brown
Stephen Dwight Godfrey
Jeffrey Alan Dow
John Nitsopoulos
Paul Pothier
Craig Marchand

Gina Shaw
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Karen Corville
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Federal Court Cour fédérale

Date: 20140709

Ottawa, Ontario, July 09, 2014

PRESENT: The Honourable Mr. Justice Phelan

BETWEEN:

In the matter of numerous filings seeking a declaration pursuant to s. 52 (1) of *the Canadian Charter of Rights and Freedoms ("The Charter")*;

and

In the matter of numerous motions requesting interim or interlocutory relief pursuant to s. 24(1) of *The Charter* with regards to changes to the *Marihuana Medical Access Regulations ("MMAR") and the Marihuana for Medical Purposes Regulations ("MMPR".)*

AMENDED ORDER

PURSUANT to Rule 397(2) of the *Federal Courts Rules*, this Order is amended as indicated by the underlined portions in paragraphs 1 and 2;

WHEREAS the Defendant/Respondent has brought a motion for an order confirming these proceedings are stayed until the Court's decision on the merits of *Neil Allard et al v Her Majesty the Queen in Right of Canada* (Federal Court File No T-2030-13) [*Allard*];

WHEREAS the Defendant/Respondent has advised which claimants it considers meet the *Allard* Injunction criteria;

WHEREAS no claimant has objected to the Defendant/Respondent's characterization of whether they meet the *Allard* criteria within the required period of time;

WHEREAS many claimants have brought motions seeking interim relief in the form of interim or permanent constitutional exemptions;

WHEREAS claimants who did not meet the *Allard* criteria who had filed for interim relief prior to the May 7th order were given an opportunity to amend their motion records;

WHEREAS the Defendant/Respondent opposes the claimants' motions for interim relief on the basis of the doctrines of judicial comity and abuse of process;

AND WHEREAS an interim injunction has been ordered in *Allard* (2014 FC 280) to which many of the claimants are entitled [the Allard Injunction];

AND WHEREAS this Court granted the Defendant/Respondent's motion for a stay in an order dated May 7, 2014 (reported at 2014 FC 435) [the May 7 Order];

AND WHEREAS for Reasons issued concurrently with this Order;

THE COURT ORDERS THAT:

1. All Court files listed in Schedule "A" are stayed until the Court's decision on the merits (and any appeals therefrom) of *Allard* for the reasons described in the

May 7 order. The claimants in these files are entitled to the benefit of the Allard Injunction;

2. All Court files listed in Schedule "B" are stayed until the Court's decision on the merits (and any appeals therefrom) of *Allard* for the reasons described in the May 7 order. The claimants in these files are not entitled to the benefit of the Allard Injunction;

3. Where a claim has been stayed, the claimant may not file any further pleading with the Court unless otherwise ordered by this Court;

4. Every claim filed after May 7th, 2014 which is substantially identical to those subject to this order is stayed. Claimants in this group who meet the *Allard* requirements are entitled to the benefit of the Allard Injunction. Claimants who do not meet these requirements are not entitled to the benefit of the Allard Injunction; and

5. All motions for interim relief are dismissed without costs.

"Michael L. Phelan"
Judge

SCHEDULE A

T-485-14	T-487-14	T-516-14
T-517-14	T-518-14	T-523-14
T-529-14	T-530-14	T-531-14
T-538-14	T-543-14	T-548-14
T-553-14	T-560-14	T-561-14
T-564-14	T-565-14	T-566-14
T-567-14	T-575-14	T-576-14
T-579-14	T-581-14	T-582-14
T-584-14	T-585-14	T-586-14
T-587-14	T-588-14	T-591-14
T-593-14	T-594-14	T-595-14
T-596-14	T-597-14	T-599-14
T-602-14	T-604-14	T-607-14
T-610-14	T-612-14	T-613-14
T-614-14	T-615-14	T-619-14
T-620-14	T-621-14	T-623-14
T-624-14	T-625-14	T-627-14
T-629-14	T-630-14	T-634-14
T-636-14	T-638-14	T-639-14
T-640-14	T-641-14	T-644-14
T-647-14	T-650-14	T-657-14
T-660-14	T-662-14	T-664-14
T-667-14	T-669-14	T-671-14

T-678-14	T-680-14	T-684-14
T-685-14	T-686-14	T-689-14
T-691-14	T-692-14	T-697-14
T-698-14	T-704-14	T-706-14
T-718-14	T-723-14	T-724-14
T-725-14	T-726-14	T-727-14
T-728-14	T-729-14	T-733-14
T-735-14	T-738-14	T-739-14
T-747-14	T-749-14	T-750-14
T-753-14	T-755-14	T-766-14
T-785-14	T-800-14	T-802-14
T-804-14	T-812-14	T-855-14
T-896-14	T-929-14	T-930-14
T-948-14	T-951-14	T-957-14
T-963-14	T-969-14	T-972-14
T-974-14	T-976-14	T-977-14
T-988-14	T-989-14	T-992-14
T-997-14	T-1010-14	T-1017-14
T-1025-14	T-1031-14	T-1032-14
T-1042-14	T-1043-14	T-1044-14
T-1048-14	T-1053-14	T-1054-14
T-1056-14	T-1064-14	T-1065-14
T-1070-14	T-1076-14	T-1088-14
T-1106-14	T-1107-14	T-1126-14

SCHEDULE B

T-486-14	T-488-14	T-513-14
T-532-14	T-539-14	T-540-14
T-545-14	T-546-14	T-578-14
T-590-14	T-592-14	T-598-14
T-601-14	T-603-14	T-616-14
T-626-14	T-628-14	T-631-14
T-633-14	T-635-14	T-637-14
T-642-14	T-645-14	T-672-14
T-734-14	T-748-14	T-751-14
T-767-14	T-784-14	T-797-14
T-807-14	T-815-14	T-845-14
T-861-14	T-909-14	T-918-14
T-920-14	T-926-14	T-936-14
T-945-14	T-952-14	T-960-14
T-962-14	T-964-14	T-965-14
T-966-14	T-967-14	T-968-14
T-970-14	T-971-14	T-981-14
T-990-14	T-991-14	T-993-14
T-994-14	T-998-14	T-1011-14
T-1016-14	T-1018-14	T-1021-14
T-1033-14	T-1038-14	T-1039-14
T-1040-14	T-1041-14	T-1047-14
T-1049-14	T-1052-14	T-1055-14

T-1058-14	T-1059-14	T-1060-14
T-1063-14	T-1066-14	T-1067-14
T-1087-14	T-1089-14	T-1099-14
T-1101-14	T-1104-14	T-1130-14
T-1143-14		

THIS IS EXHIBIT "35" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

John Turmel

July 11, 2014 ·

TURMEL: Chance to appeal for interim exemptions at FCA too

JCT: Federal Court Justice Phelan's July 9 2014 Order amending his earlier Jun 4 2014 decision so that everyone's motions for their meds are stayed until any appeals of Allard are complete, years away, gives everyone the chance to file in the Federal Court of Appeal on time until July 21 like Terry, Ray, Stephen and Robert did.

Should you wait to see what happens to them before filing, you'll have to pay an extra $20 for a motion for an extension of time to file the Appeal to follow them.

Because of his recent decision, it gives everyone who prepared an Affidavit for their N9 motions at the FCA the chance to file for theirs right now too.

Maybe it's time to swamp them with legitimate claims for relief. So, if anyone interested in filing a Notice of Appeal and motion for interim relief too? If so, I'll do a kit.

So far, I've written up motions and replies for personal appellants. I think it can be woven together to let anyone in as one kit. Just tick off which class of victim you're in.

So we have until Monday July 21 to file the Notices of Appeal which can't be filed online. Motions with Affidavit can be filed later or at the same time if you are ready.

Email me at johnturmel@yahoo.com if you want to file. Let me know if you're a high grammer, that needs its tick.

Like Comment Share

5

3 shares

Daniel Evans Does it cost anything?

July 11, 2014 at 11:38am · Like

John Turmel http://teamgoldstar.ca explains how it costs $2 for a Statement of Claim and $50 for Notice of Appeal to file a motion to ask a judge for your meds.

> Gold Star - Intro
>
> This web page is in no way intended to provide legal advice. It is a legal kit, along with instructions, so that you…
>
> TEAMGOLDSTAR.CA

July 11, 2014 at 1:27pm · Like

Jack Justice Is there no fee waiver in Federal court for people who cannot afford filing fees?

July 11, 2014 at 1:34pm · Like

Jack Justice http://www.attorneygeneral.jus.gov.on.ca/.../guide-forms.asp

> Court Fee Waiver Guide and Forms - Ministry of the Attorney General
>
> Please be advised that, effective January 28, 2005, the Budget Measure Act (Fall), 2004, Schedule 1 amends the Administration of Justice Act to provide a fee waiver mechanism for persons who might otherwise be denied access to justice because of their financial circumstances. Effective the same day,…
>
> ATTORNEYGENERAL.JUS.GOV.ON.CA

July 11, 2014 at 1:35pm · Like

John Turmel Yes, the legal system can be expensive

July 11, 2014 at 6:08pm · Like

THIS IS EXHIBIT "36" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

File No: A-342-14

FCC: T-488-14

FEDERAL COURT OF APPEAL

BETWEEN:

JOHN C. TURMEL

Appellant

and

HER MAJESTY THE QUEEN

Respondent

NOTICE OF APPEAL

Pursuant to Rule 27.(1)(c)

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 appellant's 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: JUL 2 1 2014

Issued by: TAINA WONG
REGISTRY OFFICER
AGENT DU GREFFE

(Registry Officer)

Address of local office: 180 Queen Street West, Suite 200, Toronto, Ontario M5V 3L6 / 180, rue Queen Ouest, bureau 200, Toronto, Ontario M5V 3L6

TO: Attorney General for Canada

APPEAL

1. THE APPELLANT APPEALS to the Federal Court of Appeal from the July 9 2014 Order of Federal Court Justice Michael Phelan amending the June 4 Order:

> THE COURT ORDERS THAT:
> 1. All Court files listed in Schedule "A" are stayed until the Court's decision on the merits (and any appeals therefrom) of Allard for the reasons described in the May 7 order. The claimants in these files are entitled to the benefit of the Allard Injunction;
> 2. All Court files listed in Schedule "B" are stayed until the Court's decision on the merits (and any appeals therefrom) of Allard for the reasons described in the May 7 order. The claimants in these files are not entitled to the benefit of the Allard Injunction;

2. In his original June 4 2014 reasons:

> [28] In addition, the motions materials are inadequate to grant any relief. Although the motion record contains an affidavit portion which contains different degrees of personal information, each fails to plead sufficient evidence regarding the claimant's personal circumstances to warrant any relief. While some claimants have indicated an ATP permit number, most have failed to provide a copy of that permit or to indicate whether it was relevant on the relevant dates...

THE APPELLANT ASKS that the Court overturn the Order:
A) dismissing motions to abandon the Allard communalities;

B) staying Plaintiff's Action for 4/26 communalities to the Allard violations alleged;

C) deeming Plaintiff's Affidavit of Medical Need as insufficient evidence to warrant the relief sought.

THE GROUNDS are that the learned judge erred in:

A) refusing motions to abandon the Allard Communalities; granting the deletion of the communalities could have mooted the stay and allowed quick access to medical relief. There would be no reason for a stay due to substantial similarity when there are zero communalities with the Allard Claim.

B) staying all Actions for those Allard communalities:

1) has kept the need for the stay of medications that condemns some to an earlier death; and

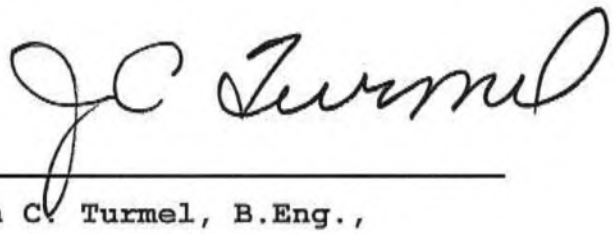
2) when resolving the 4 trivial Allard communalities out of 26 more serious unconstitutional limitations raised by Plaintiffs does not "substantially narrow the issues;" and

3) has prevented even Appellants who benefit of the extension of the MMAR under the Allard Injunction from still seeking MMAR Repeal for its unconstitutional limitations alleged in the Statement of Claim which the Allard Coalition Against MMAR Repeal do not. The Allard challenge to the MMPR is completely unsubstantially similar to Plaintiff's

challenge to the MMAR and most often completely substantially dissimilar. Plaintiff Ray Turmel T-517-14 faces mandatory minimum for growing too many plants toward his 11 pound storage limit while having only 4 pounds stored at the time faces and must challenge the MMAR which the Allard action does not.

C) dismissing all Motions for Interim Exemptions for Personal Medical Use pending trial of their stayed Actions for Affidavits that showed "insufficiently evidence" of their medical need for marijuana which condemns some Plaintiffs to an earlier death.

Dated at Brantford on Monday July 20 2014.



John C. Turmel, B.Eng.,
50 Brant Ave.,
Brantford, N3T 3G7,
Tel/Fax: 519-753-5122,
Cell: 519-717-1012
Email: johnturmel@yahoo.com

TO: Registrar of this Court
Attorney General for Canada

File No: _____

FCC: T-488-14

FEDERAL COURT OF APPEAL

BETWEEN:

JOHN C. TURMEL
Appellant

and

HER MAJESTY THE QUEEN
Respondent

NOTICE OF APPEAL

For the Appellant:
John C. Turmel, B.Eng.,
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Email: johnturmel@yahoo.com

THIS IS EXHIBIT "37" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

John Turmel

July 15, 2014 ·

TURMEL: Ray Turmel files "generic" Federal Appeal for Exemption

About 300 Plaintiffs claiming interim exemptions to use medical marijuana for medical need have all been stayed below with "insufficient evidence of medical need" in their affidavits to warrant such protection.

So far, I've not published the template N12A Notice of Appeal nor the N12 Motion Record for the Federal Court of Appeal.

I filed Terry Parker first, the Terry Parker whom them MMAR should have exempted first and whom it never did when he could never get a doctor to participate in the regime. He's already received 3 (three!) court exemptions, two during Crown appeals of his winning judgment in 2000 and one during his losing appeal in 2003. So you can get an interim exemption without having first won the case, unlike what Justice Phelan had concluded.

Then I filed Stephen (Paddy) Burrows who had cut the size of his cancer in half with cannabis oil before being cut off, in 3 dimensions, 1/2*1/2*1/2=1/8, that's 7/8ths gone! And the fact he only proved he had been exempted by a doctor wasn't good enough, the court needed to see a copy of his actual exemption (which he had in his pocket) and his medical file (which he had with him) and would have dropped his pants and shown the judge who seemed to need some real convincing.

Then I filed Robert Roy who had missed out on the Manson relief by having his Possess Permit expire 3 days before the Manson decision extended everyone's Permit from then on while still grand-fathering his grow permit back to last year. Grow permit legal but not without a Possess Permit and he missed out by 3 days. Is that a good reason to lose his grow? 3 days?

Then today I filed Ray Turmel, who has an ATP but who faces a 1-year mandatory minimum under the MMAR for growing too fast (too many plants) while being 4/11th of his storage! Keeping the MMAR alive while the Allards fix the MMPR isn't any help.

And since it wove together everyone's beefs, I made his Written Representations generic citing only one "T-xxx-14 et al (and others in Latin) whom were so affected.

File No: A-288-14

FEDERAL COURT OF APPEAL

BETWEEN:

RAYMOND J. TURMEL
Appellant
And

HER MAJESTY THE QUEEN
Respondent
APPELLANT'S WRITTEN REPRESENTATIONS

FACTS:

1. Appellant is one of numerous Self-Rep "Turmel Kit" plaintiffs who filed a Statement of Claim in Federal Court. Of the 5 classes of Plaintiffs, I have checked that:

[ ] a) I have an Authorization to Possess ("ATP") and a Personal-Use Production License ("PUPL") under the Marijuana Medical Access Regulations ("MMAR") which were grand-fathered in the relief granted the Allard Plaintiffs (T-2030-13) by Justice Manson on Mar 21 2014;

[ ] b) I have a Grow Permit grand-fathered but my Possess permit was not;

[ ] c) I was once exempted under the MMAR;

[ ] d) I have a qualifying medical condition but was never exempted under the MMAR;

[ ] e) I do not have a qualifying medical condition.

2. Our Actions seek declaratory and financial relief for violations of rights under S. 7 of the Charter by seeking an Order:

A1) that the Medical Marihuana Access Regulations (MMAR) that came into force on Jul 30 2001 and the Marihuana for Medical Purposes Regulations (MMPR) that came into force on June 19, 2013, (and run concurrently with the MMAR until March 31, 2014 when the MMAR will be repealed by the MMPR) are unconstitutional and not saved by S.1 of the Charter in that the s. 7 Charter constitutional right of a medically needy patient to reasonable access to his/her medicine by way of a safe and continuous supply consistent with the S.7 Charter right is unreasonably restricted by the impediments to access and/or supply in the MMAR and/or MMPR;

A2) And that, "absent a constitutionally acceptable medical exemption," the prohibitions on marihuana in the Controlled Drugs and Substances Act (CDSA) are invalid and the word "marijuana" be struck from Schedule II of the CDSA.

B) In the alternative, pursuant to S.24(1) of the Charter, for a permanent Personal Exemption from prohibitions in the CDSA on marihuana for the Plaintiff's personal medical use.

C) Or, alternatively, damages for loss of patient's marihuana, plants and production site and future needs.

3. The grounds of the Action:
a) "For MMAR Repeal" are 16 identified constitutional

violations,
b) "For MMPR Repeal" repeal are 20 identified constitutional violations,
c) and, absent a viable medical exemption pursuant to R. v. J.P., for repeal of the prohibitions by striking the word "marijuana" from Schedule II of the CDSA.

4. We seek to have the MMPR declared invalid because of the many fatal deficiencies to the point the regime is so full of holes, it is in effect invalidated by these 20 constitutional flaws to leave the regime in tatters:

BOTH 1) Require recalcitrant doctor;
BOTH 2) Not provide DIN (Drug Identification Number);
BOTH 3) Require annual renewals for permanent diseases;
BOTH 4) Require unused cannabis to be destroyed;
BOTH 5) Refusal or cancellation for non-medical reasons;
BOTH 6) Health Canada feedback to doctors on dosages;
BOTH 7) Not provide instantaneous online processing;
BOTH 8) Not have resources to handle large demand;
BOTH 9) Prohibit non-dried forms of cannabis; * Allard a)
BOTH 10) Not exempt from CDSA S.5.;

MMPR 11) ATP valid solely as "medical document";
MMPR 12) Licensed Producer may cancel for "business reason";
MMPR 13) Prohibit return of medical document to cancelee;
MMPR 14) Prohibit production in a dwelling; * Allard b)
MMPR 15) Prohibits outdoor production; * Allard c)
MMPR 16) Not protect rights to brand genetics;
MMPR 17) Not remove financial barriers;
MMPR 18) Not provide central registry for police check;
MMPR 19) Not enough Licensed Producers to supply demand;
MMPR 20) Prohibit processing > 150 grams. * Allard d)

5. Plaintiffs further raise 6 additional concerns with the MMAR regime added to the first 10 in common with the MMPR to have the MMAR condemned:

MMAR 11) Require a specialist consultation;
MMAR 12) Require conventional treatments be inappropriate;
MMAR 13) Prohibit more than 2 licenses/grower;
MMAR 14) Prohibit more than 4 licenses/site;
MMAR 15) Number of plants limit improper;
MMAR 16) Not allow any gardening help.

6. On Mar 10 2014, our Actions challenging the MMAR and MMPR was stayed pending the Mar 21 2014 decision of the motion for interim relief in Allard v. HMTQ [T-2030-13] challenging only the MMPR. The Allard action represents the concerns of the Coalition "Against MMAR Repeal" who have Authorizations To Possess while Applicant is "For MMAR Repeal" because of its unconstitutional violations. Such polar opposite remedies are not "substantially similar." They seek to declare the MMPR constitutionally invalid only to the extent of striking 4 minor cosmetic flaws to leave the regime

constitutional:
a) prohibition on non-dried forms of cannabis, MMAR-MMPR 9).
b) prohibition on production in a dwelling; MMPR 14).
c) prohibition on outdoor production; MMPR 15).
d) prohibition on possessing and dealing more than 150g; MMPR 20);
or for extension of the MMAR and its associated privileges.

7. It is submitted the larger list of constitutional violations alleged should be addressed before those addressed in the Allard mini-list. The resolution of those 4 minor MMPR issues for those Against MMAR repeal hardly significantly narrow the 20 violations alleged against the MMPR and not narrow at all any of the 16 issues raised for MMAR repeal. Ray Turmel T-517-14 has the benefit of the Allard Injunction extending the MMAR but still faces the detriment of a 1-year mandatory minimum for growing too many plants (while under storage limit) under that same MMAR. Waiting for the resolution of the challenge of the MMPR helps not at all and not in time.

8. Plaintiff notes all the big issues that have plagued patients for the past decade have all been omitted in Allard. Plaintiff herein has raised the "Patient:Grower limit" raised in Sfetkopoulos v. HMTQ, "Growers:Garden limit" raised in R. v. Beren, "Doctors Opting Out" raised in R. v. Mernagh and R. v. Turner, "Yearly Renewals for Permanent Ill," "S.65 Destroy Order when permit late," violations that truly hamper patient access that the Allards have left out. Can the resolution of these 4 mini-torts really leave a working exemption?

9. On Mar 21 2014, Justice Manson ruled in Allard that:

A) all Production Permits grand-fathered to Oct 1 2013 were extended pending trial of the action but only those with current Authorizations To Possess Permits as of Mar 21 2014 were extended. Robert Roy's T-918-14 Possess Permit expired Mar 18 2014 while his Production Permit remained valid, no more meds by only 3 days.

B) the limit on possession should be 150 grams.

10. A) Problems with MMAR Extension when ATPs cannot:

1. change garden or storage address: Kevin Moore T-548-14 et al;

2. change outdoor to indoor; Diane T-594-14 & David Dobbs T-593-14 et al;

3. change indoor to outdoor; Darron Finn T-582-14 et al;

4. change Designated Grower: Jennifer Dobbs T-597-14 et al;

5. change dosage: Stephen Sealy T-564-14 et al.

6. document their exemption to police: Ray Turmel T-517-14.

11. B) Problem with 150 gram possession limit:

1) the limit was based on testimony that "peer-reviewed surveys" (not peer-reviewed) showed average daily use of 2 grams/day in Canada despite the actual prescribed dosage cited as 17.7 gram/day making a reasonable 30-day limit not 150 grams but a commensurate 1,350 grams, 9 times more;

2) many Plaintiffs have dosages higher than the 150 grams limit: Michael Pearce T-1106-14 230 grams/day which makes the 150 gram possession limit impossibly inconvenient;

3) any remaining supply must be destroyed at time of delivery of new supply.

12. On Apr 8 2014, Her Majesty in Default of filing a Statement of Defence filed a Notice of Motion in writing for a stay of all Actions similar to that of John Turmel T-488-14 pending the final decision in Allard v. HMTQ (T-2030-13) on the basis that Plaintiff is "seeking relief which is substantially similar to that being sought by the Allard Plaintiffs" due to the 4 issues in common whose resolution would "significantly narrow" the issues

13. At the Apr 29 2014 hearing before Mr. Justice Phelan, it was explained to Justice Phelan how 20 violations by the MMPR are not substantially similar to the 4 violations addressed by Allard and resolving those 4 issues out of 20 could not "significantly narrow" the issues. And it was further explained how the points of concern to the ATP holders are not objectionable to those without.

14. On May 7 2014, Justice Phelan ruled:
UPON MOTION by the Defendant/Respondent (referred to as the Defendant) to stay all of the proceedings of the Plaintiffs/Applicants (referred to as the Plaintiffs) pending the Court's in Neil Allard et al v Her Majesty the Queen in Right of Canada (Federal Court File No T-2030-13) [Allard];
AND UPON HEARING the parties at the Case Management Conference on April 29, 2014;
FOR REASONS ISSUED, the motion is granted until the Court's decision on the merits of Allard, subject to the following terms:

1(a) All Court files wherein the Plaintiff meets the criteria of the injunction in the Allard matter [the Allard Injunction] are stayed except with leave of the Court to bring any proceeding.
1(b) Such Plaintiffs shall be entitled to the terms of the Allard Injunction;
1(c) The Defendant shall by motion under Rule 369, within seven (7) days hereof, advise the Court and the relevant party as to those Plaintiffs who, in their view, are subject to the Allard Injunction.
1(d) Any Plaintiff identified by the Defendant as subject to the Allard Injunction may within ten (10)

days of service of the Defendant's motion oppose the motion in accordance with Rule 369. The Defendant shall have five (5) days for reply.
1(e) Pending some other decision by the Court, those parties whom the Defendant has identified as entitled to the benefit of the Allard Injunction, shall be treated as if the Allard Injunction applies to them. A copy of the Allard Injunction is attached to this Order and incorporated mutatis mutandis.

2(a) All other Plaintiffs who have applied for interim relief may, within ten (10) days hereof, amend their pleadings including in particular their motion for interim relief to provide such additional evidence and submissions as they deem necessary.
2(b) The Defendant shall have ten (10) days to respond to such amendment and shall propose a timetable for such further steps as they consider necessary.
2(c) Pending further Order of the Court, and except with respect to their motions for interim relief, these Plaintiffs' matters are likewise stayed.

3. All other matters not provided for in paragraphs 1 and 2 are stayed subject to any party obtaining leave of the Court to bring any other related proceedings or seeking some further relief.

4. The terms of this Order shall apply to any new application or statement of claim filed subsequent to this Order which is substantially identical to those already subject to this Order.

5. The terms of this Order may be varied or amended as the Court determines necessary."

15. On May 14 2014, the Crown produced Schedule A for those who qualified for the Allard benefits and Schedule B for those who did not. Those on Schedule A now had 10 days from the production to oppose the motion and those on Schedule B had 3 days, they had to respond "within ten (10) days hereof" the May 7 decision, not hereof the May 14 list like Schedule A.

16. Many Applicants waited for the Crown's snail-mail to get the Schedules and by that time those not on Schedule A found out, their 3 days had already run out. Worse, the Crown only served the Schedules on Schedule A Applicants and did not serve them on the Schedule B Applicants so they were never even told they weren't on the Allard protected list.

17. Others did submit printed response motions to abandon the 4 Allard violations whose communality was the basis of staying the motions for interim relief and some were:
a) accepted: Daniel Dias T-587-14 et al.
b) rejected for not complying with the order to be in

writing in response to the Crown's motion in writing:
Henriette McIntyre T-516-14 et al;

18. Over 50 had already submitted motions with affidavits attesting to their medical need and did not amend their pleadings.

19. On July 9 2014, Justice Phelan stayed all Actions challenging the MMAR pending the final decision in the Allard challenge to the MMPR and dismissed all motions for interim exemptions for Personal Medical Use:
THE COURT ORDERS THAT:

1. All Court files listed in Schedule "A" are stayed until the Court's decision on the merits of Allard for the reasons described in the May 7 order. The claimants in these files are entitled to the benefit of the Allard Injunction;

2. All Court files listed in Schedule "B" are stayed until the Court's decision on the merits of Allard for the reasons described in the May 7 order. The claimants in these files are not entitled to the benefit of the Allard Injunction;

3. Where a claim has been stayed, the claimant may not file any further pleading with the Court unless otherwise ordered by this Court;

4. Every claim filed after May 7th, 2014 which is substantially identical to those subject to this order is stayed. Claimants in this group who meet the Allard requirements are entitled to the benefit of the Allard Injunction. Claimants who do not meet these requirements are not entitled to the benefit of the Allard Injunction; and

5. All motions for interim relief are dismissed without costs.

20. In the reasons for the Order, Justice Phelan wrote:
[29] The Court notes that the claimants were given an opportunity to remedy certain deficiencies in their motions materials following the May 7th order; no claimant took advantage of that opportunity.

21. Actually, several claimants took the opportunity to file or try to file a response to remedy their motion by abandoning the Allard communalities and providing more medical evidence. No reasons are given for the dismissing the motion to abandon the Allard communalities before all actions were stayed for those communalities that were not allowed to be abandoned.

22. Justice Phelan further ruled:
[28] In addition, the motions materials are inadequate to grant any relief. Although the motion record contains an affidavit portion which contains different degrees of

personal information, each fails to plead sufficient evidence regarding the claimant's personal circumstances to warrant any relief. While some claimants have indicated an ATP permit number, most have failed to provide a copy of that permit or to indicate whether it was relevant on the relevant dates.

23. Applicants Affidavits attested to a valid medical need for marijuana with many having already qualified for MMAR exemption. Why would the Court need to see a copy of the ATP when it is on record. What purpose would it serve? Does the Court really need to see the ATP, really need to see the medical file the doctor has already examined to "sufficiently show" illness when the doctor already said so? Given the Crown has not disputed any medical facts, the court should not have either. Had it been known the judge thought the doctor's authorization was insufficient proof of medical need, it could have been added. And many affidavits submitted more medical evidence.

24. Justice Phelan further ruled:
Perhaps most importantly, the claimants have failed to establish at this time that the medical exemption provided by the MMAR or MMPR violates their Charter rights in a way that would be remedied by the proposed constitutional exemption.

25. Since neither the MMAR nor MMPR serve Applicant's medical need, a continued violation of the right to life remains while there is no exemption for access for Personal Medical Use. The validity of the exemption is being challenged for the same unaffordability for which the Allard Plaintiffs were granted remedy. Not being able to afford the MMPR seemed good enough reason to grant the Allards their protection, it should be good enough reason to have granted Plaintiff such exemption too.

26. Justice Phelan further ruled:
[21] In the Allard Injunction hearing, Justice Manson declined to issue a similar constitutional exemption. He wrote at para 124:
"The first form of relief requested by the Applicants [a constitutional exemption] is inappropriate. It would exempt medically-approved patients and their designates from the possession, trafficking, and possession for the purposes of production provisions in the CDSA without qualification. This is not the intent of the MMAR, which defined the circumstances under which medically-approved patients could possess and grow marihuana and in what quantities. The relief sought would grant them exemption from the provisions of the CDSA without limitation."
[22] This Court concurs with the reasoning of Justice Manson. The constitutional exemption from the prohibitions on marihuana in the CDSA sought by the

claimants (whether interim or permanent) is inappropriate. It is not tailored to remedying an alleged Charter violation, but appears essentially unlimited.

[23] The requested exemption does include an apparent limit in the form of the marihuana production and possession being "for the Plaintiff's personal medical use". As the claimants attack the MMAR and MMPR regimes in part for their reliance on doctor's prescription, it is unclear how a valid medical purpose would be established other than in the claimant's discretion.

27. Justice Manson refused constitutional exemptions to Allard because "the relief sought would grant them exemption from the provisions of the CDSA without limitation." It is submitted that "for personal medical use" is a reasonable limitation on such exemption.

28. In R. v. Parker [1997], Provincial Court Judge Sheppard granted Parker an exemption from the CDSA prohibitions on possession and cultivation of marijuana for his medical need with no dosage limit.

29. On July 31 2000, in R. v. Parker, the Ontario Court of Appeal ruled the prohibition on possession of marijuana (and cultivation prohibition had that stay been appealed) to be invalid absent a viable medical exemption. It suspended its decision 1 year and granted Parker a constitutional exemption pending the government providing him with a medical exemption with no dosage limit.

30. In 2003, Justice Moldaver ordered Health Canada to exempt Terry Parker while he was appealing.

31. Though the "apparent limit" of Personal Medical Use "appears essentially unlimited," nevertheless, it was sufficient a limit to be granted to Terry Parker on three previous occasions by the criminal courts; a Criminal Court would clearly discern that trafficking to minors could never be construed as Personal Medical Use. So if an "unlimited exemption for Personal Medical Use" without any prescribed dosage was limited enough for those courts to grant Parker his exemption, then, it should also have been limited enough for the Federal Court to grant Appellant one for Personal Medical Use now too.

32. Justice Phelan further ruled:

[24] The Court is aware that in R v Parker, [2000] OJ No 2787, 49 OR (3d) 481 (OCA) [Parker], the Ontario Court of Appeal granted a one-year personal constitutional exemption from the possessions offence under the CDSA to Mr. Parker for his medical needs. This was in the context of a broader order which declared the marihuana possession prohibition in section 4 of the CDSA to be invalid, and suspended the declaration of invalidity for

a period of twelve months from the release of the decision.
[26] The facts in Parker are distinct from those at hand. In Parker, there was no exemption from the CDSA marihuana prohibition provisions. The proceedings at hand are distinct because there is an exemption in the form of the MMPR (and in grand-fathered MMAR permits for certain claimants); the claimants simply challenge the validity of this exemption.
Most importantly, the constitutional exemption was granted in Parker in conjunction with a temporary suspension of a declaration of invalidity of the provisions of the CDSA. The Court has not made such an order here.
When s. 24(1) is read in context, it becomes apparent that the intent of the framers of the Constitution was that it function primarily as a remedy for unconstitutional government acts.

33. That Plaintiff should have had an interim exemption pending the eventual declaration of invalidity seemed indicated by Judge Sheppard granting Parker an exemption from the start. An exemption was the only available remedy Judge Sheppard had without power to strike down the prohibitions. Appellant asks for such same remedy for an alleged unconstitutional government act, not yet but soon to be proven.

34. After the dismissal of the motion to abandon the Allard issues in common, many Applicants submitted new Statements of Claim with those communalities deleted which were:
a) rejected if the Plaintiff had an old Statement of Claim with the Allard communalities refused to be stricken
b) stayed for being "substantially similar" to the old Statement of Claim with the Allard Communalities.

35. Jason Allman T-1187-14 had filed an old Statement of Claim with the Allard communalities and filed a new one T-1365-14 without the common issues. Justice Phelan directed that his motion for an interim exemption for Personal Medical Use be accepted and is now under deliberation.

36. Appellant submits the Judge erred in staying the actions because of the presence of Allard communalities whose abandonment he refused to allow.

37. In the Affidavit of John Turmel, expert witness in Mathematics of Gambling, in T-488-14, it has been brought to the Court's attention that a genocidal under-medication of a whole class of patients occurred when Justice Manson's under-evaluated non-peer-reviewed limit took effect on April 1 2014. The 150 gram limit on personal possession and shipments suggested by Health Canada and imposed by Manson J. was based on false or non-existent peer-reviewed surveys

that suggested no such thing and end up under-medicating the whole class by a factor of 9, thus inflicting on the group conditions of life calculated (8/9) to bring about it's physical destruction in violation of S.318(2) of the Criminal Code and is of such urgency as to warrant the expeditious attention of the Court.

38. The Allard ruling's failure to extend the MMAR makes it impossible for all who cannot afford Health Canada retail prices to get a self-grow for their own personal use, again inflicting on the group conditions of life calculated to bring about its physical destruction. It is submitted that the whole of the population who cannot afford Health Canada's retail prices are disallowed from being able to self-produce at affordable prices and only an exemption for personal medical use is suitable remedy.

39. Given this question of genocide, and given the Ministry of Justice has had almost a month to study the statistics of the fraud, Plaintiff's only hope is for a constitutional exemption from the CDSA for Personal Medical Use.

Dated at Ottawa on July 15 2014.
Raymond J. Turmel

JCT: Okay, so those are basically everyone's legal arguments. If you have tons of medical proof, there's no excuse for you not ending up protected.

Since everyone who has medical need has a legit beef with an Order saying "no meds," there is only spot at the top of the upcoming Motion that's going to have to be ticked indicating what class of victim you belong to.

I've left the Affidavits generic for medical testimony, not legal stuff. That's where you fill out the information I want to see and you can add info you want to show, including the doctors who refused for non-medical reasons and what they were. That's the real killer! Doctors saying no.

Tomorrow, we have Michael Pearce and Kevin Moore going in to file their appeals first.

Michael Pearce may be Canada's highest-dosed cannabis patient with serious woes warranting 230grams/day! He'll represent those having trouble with Justice Manson's 150 gram possession limit below. Remember, we're now automatically stayed above. So he's asking a judge with the power to ignore Manson's 150 gram limit and impose the statistical 1,350 gram limit my analysis shows or in Michael's case, 30*230=6.9Kg limit!

6,900/150 = 46 times too small!!!

Kevin Moore moved from Alberta to Ontario but can't change his address or site. Oops, Manson forgot about them. So he's representing those who can't move their grows.

We also have someone who couldn't change their DG. Some couldn't change from indoor to outdoor, and outdoor to indoor! Lots of little pains Manson didn't take into account that this higher judge can resolve.

And everyone gets to plead their own case, so far, unless the Crown tries for another, "let's not get personal and talk group" out of the court.

Now, the Crown filed a Motion Record in Response to Terry Parker's motion for interim exemption for Personal Medical Use. And he put in his Reply last Friday and it hit the judge's desk Monday yesterday.

That was also the deadline for the Crown to respond as to why Stephen Burrows shouldn't be able to finish curing his cancer and why Robert Roy should lose his meds for being expired 3 days too soon. Pretty tough arguments to make.

And sure enough, they didn't file any response! Wow, could be on the judge's desk right now.

And finally, Ray Turmel filed his Motion Record for the ATPs who want to keep challenging the 16 torts in the MMAR with the MMPR and not wait for the 4 teeny MMPR torts in Allard before letting fire our 16 bigger MMPR guns.

Now, other than healthy me who wants it for prevention of what it's good for before I get them and for the health benefits of new brain cells, everything is covered.

So in order that no one need do massive work on their affidavits, I've kept them to the medical and all the history and argument are in the Written Representations.

I'm giving the theme Appellants tomorrow to get filed and will upload the N12A Notice of Appeal and the N12 Motion Record at the yahoogroups files section. doc and pdf formats.

So everyone has until next Monday July 20 to file and all newbies who get automatically stayed can do Double-Gold.

Remember on Mar 31, everyone's actions were stayed and how on April Fool, Dale Conners and Sharon Misener filed a Statement of Claim then an immediate Notice of Appeal for Double Gold-Star Originating Documents on the same day! I'd bet a unique score in Canadian jurisprudence.

But now, all newbies have to do Double-Gold to get to ask a judge!! So you may as well get your $2 and $50 ready (maybe face $500 costs if you lose but not if Crown doesn't defend) and do both on the same trip downtown.

So the basic routine from now on:
1) http://teamgoldstar.ca for "Legal Kits" where you download the Statement of Claim and then "Instructions" on how to fill it out and efile it with the court. Skip the paper route, expense for nothing.

2) Join https://groups.yahoo.com/neo/groups/GoldStarTeam/info for real-time instructions and where all files and forms may be found.

Join https://groups.yahoo.com/neo/groups/GoldStarTeamk/info with a "k" for real-time help from others who have pioneered the way.

Finally, when you get an email with something from the court, do cannot confirm it if you want to have your own copy. If you don't confirm, they automatically send you a paper copy for your records. Never confirm, never miss anything.

So sapping the doctor barrier and getting your medical file to a judge is now a 2-step process costing $52 and risking $500 costs to lose. (might have to get a collection agent)

Everything is on track and on timetable. No one who is stayed has to do anything and can wait to see what happens to the lead pioneers sapping our way.

But those are our Written Representations and they may be continually updated! The last filer has the best ammo and we can all refer to it! So do write johnturmel@yahoo.com if you have any suggested additions to our attacks, even new bad stuff.

Notice we just had a big story about even the cops not knowing how the MMPR worked so a guy spent time in custody. Ray asked for documentation of exemption, not just "Allard said so!" Same idea. There should be something simpler than carrying around an MMPR to show you your cop with your prescription label and ID.

Gold Star - Intro

This web page is in no way intended to provide legal advice. It is a legal kit, along with instructions, so that you can file in Canadian federal court with our Gold Star Team!We are interested in explaining to the courts why the new MMPR and old…

TEAMGOLDSTAR.CA

THIS IS EXHIBIT "38" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

Federal Court of Appeal Cour d'appel fédérale

Date: 20140717

Docket: A-287-14

Ottawa, Ontario, July 17, 2014

Present: NADON J.A.

BETWEEN:

TERRANCE PARKER

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON Notice of Motion by the Appellant for an Order allowing him an interim constitutional exemption from the *Controlled Drugs & Substances Act*, pending his appeal of an interlocutory decision of Phelan J. of the Federal Court dated May 7, 2014; as amended by order dated July 9, 2014;

UPON the affidavit of Terrance Parker sworn June 27, 2014;

UPON the Appellant's written submissions;

AND UPON the Respondent's responding motion record and written submissions;

THIS COURT ORDERS:

The motion is dismissed.

The Respondent shall have her costs which are hereby fixed at $500.00.

"M. NADON"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140909

Docket: A-288-14

Ottawa, Ontario, September 9, 2014

Present: **SHARLOW J.A.**

BETWEEN:

RAYMOND TURMEL

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON the motion of the Appellant for an interim constitutional exemption from the prohibitions on marihuana in the *Controlled Drugs and Substances Act*, and having reviewed the motion record of the Appellant, the responding motion record of the Crown, and the Appellant's reply;

THIS COURT ORDERS that the motion is dismissed with costs, hereby fixed at $500 inclusive of all disbursements and taxes.

"K. Sharlow"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140909

Docket: A-289-14

Ottawa, Ontario, September 9, 2014

Present: **SHARLOW J.A.**

BETWEEN:

STEPHEN PATRICK BURROWS

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON the motion of the Appellant for an interim constitutional exemption from the prohibitions on marihuana in the *Controlled Drugs and Substances Act*, and having reviewed the motion record of the Appellant, the responding motion record of the Crown, and the Appellant's reply;

THIS COURT ORDERS that the motion is dismissed with costs, hereby fixed at $500 inclusive of all disbursements and taxes.

"K. Sharlow"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140909

Docket: A-291-14

Ottawa, Ontario, September 9, 2014

Present: **SHARLOW J.A.**

BETWEEN:

ROBERT ROY

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON the motion of the Appellant for an interim constitutional exemption from the prohibitions on marihuana in the *Controlled Drugs and Substances Act*, and having reviewed the motion record of the Appellant, the responding motion record of the Crown, and the Appellant's reply;

THIS COURT ORDERS that the motion is dismissed with costs, hereby fixed at $500 inclusive of all disbursements and taxes.

"K. Sharlow"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140909

Docket: A-324-14

Ottawa, Ontario, September 9, 2014

Present: **SHARLOW J.A.**

BETWEEN:

MICHAEL J. PEARCE

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON the motion of the Appellant for an interim constitutional exemption from the prohibitions on marihuana in the *Controlled Drugs and Substances Act*, and having reviewed the motion record of the Appellant, and the responding motion record of the Crown;

THIS COURT ORDERS that the motion is dismissed with costs, hereby fixed at $500 inclusive of all disbursements and taxes.

"K. Sharlow"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140909

Docket: A-326-14

Ottawa, Ontario, September 9, 2014

Present: **SHARLOW J.A.**

BETWEEN:

DAVID ALLAN DOBBS

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON the motion of the Appellant for an interim constitutional exemption from the prohibitions on marihuana in the *Controlled Drugs and Substances Act*, and having reviewed the motion record of the Appellant;

THIS COURT ORDERS that the motion is dismissed without costs.

"K. Sharlow"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140909

Docket: A-329-14

Ottawa, Ontario, September 9, 2014

Present: **SHARLOW J.A.**

BETWEEN:

MICHAEL K. SPOTTISWOOD

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON the motion of the Appellant for an interim constitutional exemption from the prohibitions on marihuana in the *Controlled Drugs and Substances Act*, and having reviewed the motion record of the Appellant, and the responding motion record of the Crown;

THIS COURT ORDERS that the motion is dismissed with costs, hereby fixed at $500 inclusive of all disbursements and taxes.

"K. Sharlow"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140909

Docket: A-330-14

Ottawa, Ontario, September 9, 2014

Present: **SHARLOW J.A.**

BETWEEN:

REV. KEVIN J. MOORE

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON the motion of the Appellant for an interim constitutional exemption from the prohibitions on marihuana in the *Controlled Drugs and Substances Act*, and having reviewed the motion record of the Appellant, and the responding motion record of the Crown;

THIS COURT ORDERS that the motion is dismissed with costs, hereby fixed at $500 inclusive of all disbursements and taxes.

"K. Sharlow"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140909

Docket: A-338-14

Ottawa, Ontario, September 9, 2014

Present: **SHARLOW J.A.**

BETWEEN:

DIANE ELIZABETH DOBBS

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON the motion of the Appellant for an interim constitutional exemption from the prohibitions on marihuana in the *Controlled Drugs and Substances Act*, and having reviewed the motion record of the Appellant;

THIS COURT ORDERS that the motion is dismissed without costs.

"K. Sharlow"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140909

Docket: A-339-14

Ottawa, Ontario, September 9, 2014

Present: **SHARLOW J.A.**

BETWEEN:

CATHERINE PEEVER

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON the motion of the Appellant for an interim constitutional exemption from the prohibitions on marihuana in the *Controlled Drugs and Substances Act*, and having reviewed the motion record of the Appellant;

THIS COURT ORDERS that the motion is dismissed without costs.

"K. Sharlow"

J.A.

Date: 20140909

Docket: A-340-14

Ottawa, Ontario, September 9, 2014

Present: SHARLOW J.A.

BETWEEN:

GARY PALLISTER

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON the motion of the Appellant for an interim constitutional exemption from the prohibitions on marihuana in the *Controlled Drugs and Substances Act*, and having reviewed the motion record of the Appellant;

THIS COURT ORDERS that the motion is dismissed without costs.

"K. Sharlow"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20140909

Docket: A-341-14

Ottawa, Ontario, September 9, 2014

Present: **SHARLOW J.A.**

BETWEEN:

CHERYLE M. HAWKINS

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON the motion of the Appellant for an interim constitutional exemption from the prohibitions on marihuana in the *Controlled Drugs and Substances Act*, and having reviewed the motion record of the Appellant;

THIS COURT ORDERS that the motion is dismissed without costs.

"K. Sharlow"

J.A.

THIS IS EXHIBIT "39" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

No. 36146

February 26, 2015

Coram: Rothstein, Cromwell and Moldaver JJ.

BETWEEN:

Robert Roy

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for an extension of time to serve and file a supplementary memorandum and for leave to serve and file a supplementary memorandum is dismissed without costs. The motion for interim constitutional exemptions from the *Controlled Drugs and Substances Act*, S.C. 1996, c.19, is dismissed without costs. The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-291-14, dated September 9, 2014, is dismissed without costs.

Le 26 février 2015

Coram : Les juges Rothstein, Cromwell et Moldaver

ENTRE :

Robert Roy

Demandeur

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en prorogation du délai de signification et de dépôt d'un mémoire supplémentaire et en autorisation de signifier et déposer un mémoire supplémentaire est rejetée sans dépens. La requête en exemption constitutionnelle visant à écarter temporairement l'application de la *Loi réglementant certaines drogues et autres substances*, L.C. 1996, c. 19, est rejetée sans dépens. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-291-14, daté du 9 septembre 2014, est rejetée sans dépens.

J.S.C.C.
J.C.S.C.

No. 36147

February 26, 2015

Coram: Rothstein, Cromwell and Moldaver JJ.

BETWEEN:

Stephen Patrick Burrows

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for interim constitutional exemptions from the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, is dismissed without costs. The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-289-14, dated September 9, 2014, is dismissed without costs.

Le 26 février 2015

Coram : Les juges Rothstein, Cromwell et Moldaver

ENTRE :

Stephen Patrick Burrows

Demandeur

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en exemption constitutionnelle visant à écarter temporairement l'application de la *Loi réglementant certaines drogues et autres substances*, L.C. 1996, c.19, est rejetée sans dépens. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-289-14, daté du 9 septembre 2014, est rejetée sans dépens.

J.S.C.C.

No. 36156

February 26, 2015

Coram: Rothstein, Cromwell and Moldaver JJ.

BETWEEN:

Terrance Parker

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for an extension of time to serve and file the application for leave to appeal is granted. The motion for interim constitutional exemptions from the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, is dismissed without costs. The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-287-14, dated July 17, 2014, is dismissed without costs.

Le 26 février 2015

Coram : Les juges Rothstein, Cromwell et Moldaver

ENTRE :

Terrance Parker

Demandeur

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en prorogation du délai de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La requête en exemption constitutionnelle visant à écarter temporairement l'application de la *Loi réglementant certaines drogues et autres substances*, L.C. 1996, c.19, est rejetée sans dépens. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-287-14, daté du 17 juillet 2014, est rejetée sans dépens.

J.S.C.C.
J.C.S.C.

No. 36159

February 26, 2015

Coram: Rothstein, Cromwell and Moldaver JJ.

BETWEEN:

Raymond Turmel

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for interim constitutional exemptions from the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, is dismissed without costs. The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-288-14, dated September 9, 2014, is dismissed without costs.

Le 26 février 2015

Coram : Les juges Rothstein, Cromwell et Moldaver

ENTRE :

Raymond Turmel

Demandeur

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en exemption constitutionnelle visant à écarter temporairement l'application de la *Loi réglementant certaines drogues et autres substances*, L.C. 1996, c.19, est rejetée sans dépens. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-288-14, daté du 9 septembre 2014, est rejetée sans dépens.

J.S.C.C.

THIS IS EXHIBIT "40" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

File No: A-342-14

FEDERAL COURT OF APPEAL

BETWEEN:

JOHN C. TURMEL

Appellant

and

HER MAJESTY THE QUEEN

Respondent

FAX COVER LETTER

Sender Name: John Turmel

Sender Address: 50 Brant Ave

Sender Telephone: 519 753 5122

Recipient Name: AG for Canada

Recipient Fax Number: 613-954-1920 973-3004

Date, Time of Transmission: 12:00 Nov 4 2014

Total Pages including cover page: 3

Sender Fax number where documents received: 519 753 5122

Contact Name: John Turmel Phone: 11

File No: A-342-14

FEDERAL COURT OF APPEAL

BETWEEN:

JOHN C. TURMEL

Appellant

and

HER MAJESTY THE QUEEN

Respondent

CONSENT TO CONSOLIDATION

Re: A-287-14, A-288-14, A-289-14, A-291-14, A-324-14, A-325-14, A-326-14, A-327-14, A-329-14, A-330-14, A-331-14, A-332-14, A-333-14, A-334-14, A-335-14, A-336-14, A-337-14, A-338-14, A-339-14, A-340-14, A-341-14, A-342-14, A-344-14, A-345-14, A-346-14, A-347-14

Appellant herein consents and no other Appellants will object to consolidation of the 26 appeals under the Style of Cause: TERRANCE PARKER ET AL with John Turmel as the lead Appellant for transmission of documents.

Dated at Brantford on Tuesday Nov 4 2014.

John C. Turmel, B.Eng.,
50 Brant Ave.,
Brantford, N3T 3G7,
Tel/Fax: 519-753-5122,
Cell: 519-717-1012
Email: johnturmel@yahoo.com

TO: Registrar of this Court
Attorney General for Canada

File No: A-342-14

FEDERAL COURT OF APPEAL

BETWEEN:

JOHN C. TURMEL
Appellant

and

HER MAJESTY THE QUEEN
Respondent.

CONSENT TO CONSOLIDATION

For the Appellant:
John C. Turmel, B.Eng.,
50 Brant Ave.,
Brantford, N3T 3G7,
Tel/Fax: 519-753-5122,
Cell: 519-717-1012
Email: johnturmel@yahoo.com

THIS IS EXHIBIT "41" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

John C. Turmel, B.Eng.,
50 Brant Ave.,
Brantford, N3T 3G7,
Tel/Fax: 519-753-5122,
Cell: 519-717-1012
Email: johnturmel@yahoo.com

Thursday Dec 4 2014

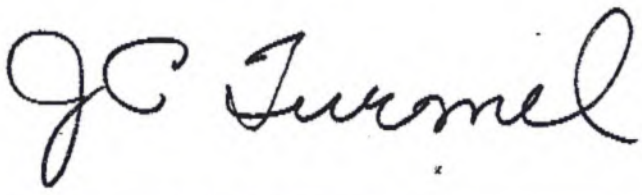
Letter to the Federal Court of Appeal Administrator
Fax: 416-973-2154

Re: A-342-14 et al

Dear Sir/Lady:

According to the Nov 20 2014 Direction of Justice Boivin, I do confirm that my file A342-14 shall be designated the lead file and that I am responsible for all costs associated with the consolidated appeals.

Yours truly,



John C. Turmel

CC: Jon Bricker
Attorney General for Canada
416-973-0809

THIS IS EXHIBIT "42" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

Federal Court of Appeal | Cour d'appel fédérale

Date: 20141212

Docket: A-342-14

Ottawa, Ontario, December 12, 2014

Present: **BOIVIN J.A.**

BETWEEN:

JOHN C. TURMEL

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON motion by the respondent for an Order consolidating 26 appeals in files A-287-14, A-288-14, A-289-14, A-291-14, A-324-14, A-325-14, A-326-14, A-327-14, A-329-14, A-330-14, A-331-14, A-332-14, A-333-14, A-334-14, A-335-14, A-336-14, A-337-14, A-338-14, A-339-14, A-340-14, A-341-14, A-342-14, A-344-14, A-345-14, A-346-14, A-347-14;

AND UPON reviewing the material filed in support of the motion;

AND UPON considering the Court's direction dated November 20, 2014 and Mr. John C. Turmel's response dated December 4, 2014;

THE COURT ORDERS THAT:

1. The appeals in files A-287-14, A-288-14, A-289-14, A-291-14, A-324-14, A-325-14, A-326-14, A-327-14, A-329-14, A-330-14, A-331-14, A-332-14, A-333-14, A-334-14, A-335-14, A-336-14, A-337-14, A-338-14, A-339-14, A-340-14, A-341-14, A-342-14, A-344-14, A-345-14, A-346-14, A-347-14 are hereby consolidated:

2. The appeal in file A-342-14 shall be considered the lead appeal and only one set of documents shall be filed, it being unnecessary to file documents in the other files;

3. Mr. John C. Turmel (file A-342-14) shall be considered the lead appellant;

4. The agreement as to the content of the consolidated Appeal Book shall be filed on or before January 29, 2015;

5. The subsequent timetable for the proceeding shall continue according to the normal rules of the *Federal Courts Rules*, SOR/98-106;

6. The appeals will be heard together at the same time with a copy of the Reasons for Judgment in the lead appeal to be filed in all the other appeals;

7. An Order made in the lead appeal A-342-14 applies to all the other appeals;

8. A copy of this Order will be filed in all the other appeals.

"Richard Boivin"
J.A.

THIS IS EXHIBIT "43" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

Federal Court of Appeal | Cour d'appel fédérale

Date: 20150326

Docket: A-342-14

Ottawa, Ontario, March 26, 2015

Present: **RYER J.A.**

BETWEEN:

JOHN C. TURMEL

Appellant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

WHEREAS the Appellant, John C. Turmel, is the lead appellant in A-342-14, which has been consolidated with 25 other appeals;

WHEREAS by Order dated December 12, 2014, Boivin J.A. stipulated that the agreement as to contents of the consolidated Appeal Book was required to be filed on or before January 24, 2015;

WHEREAS the Appellant has, through his admitted inadvertence, failed to file such agreement within the time stipulated in the Order of Boivin J.A.;

WHEREAS the Appellant has brought this motion for an order to extend the time for filing such agreement pursuant to Rule 8 of the *Federal Courts Rules* (the "Rules");

WHEREAS the Respondent, by letter dated March 17, 2015, but not by filing a motion record in accordance with Rule 365, opposes this motion;

AND WHEREAS the interests of justice favour – but just barely – the granting of the motion, in spite of the Appellant's seeming indifference towards compliance with the Order of Boivin J.A.;

THIS COURT ORDERS that:

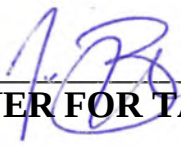
1. The motion is granted and the time for filing the agreement as to contents of the consolidated Appeal Book be and is hereby extended to April 10, 2015.

2. If such agreement is not filed before April 11, 2015, then this consolidated appeal may be dismissed for delay.

3. The Respondent shall be entitled to costs of $100 with respect to this motion, which costs shall be payable, personally, by the lead Appellant, Mr. John C. Turmel.

"C. Michael Ryer"
J.A.

THIS IS EXHIBIT "44" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.



A COMMISSIONER FOR TAKING AFFIDAVITS

Turmel v. Canada

Federal Court Judgments

Federal Court of Appeal

Toronto, Ontario

Pelletier, Stratas and Gleason JJ.A.

Heard: January 11, 2016.

Judgment: January 13, 2016.

Dockets: A-342-14

[2016] F.C.J. No. 77 | [2016] A.C.F. no 77 | 2016 FCA 9 | 262 A.C.W.S. (3d) 629 | 128 W.C.B. (2d) 39 | 481 N.R. 139 | 2016 CarswellNat 126

Between John C. Turmel, Appellant, and Her Majesty the Queen, Respondent

(27 paras.)

Case Summary

Constitutional law — Constitutional proceedings — Appeals and judicial review — Practice and procedure — Appeals by 26 self-represented litigants from denial of constitutional exemption from criminal marijuana laws dismissed — Appellants challenged constitutionality of medical marijuana regulations and sought interim exemption from criminal law pending trial — Federal Court stayed proceedings pending outcome of similar challenge by Allard that encompassed same issues and was significantly further advanced — Stay was supported by evidentiary record — Request for constitutional exemption in Allard had been refused as overly broad and inappropriate — Refusal of interim exemption for appellants did not give rise to reviewable error, as evidence of medical need was insufficient.

Criminal law — Constitutional issues — Canadian Charter of Rights and Freedoms — Procedure — Appeals by 26 self-represented litigants from denial of constitutional exemption from criminal marijuana laws dismissed — Appellants challenged constitutionality of medical marijuana regulations and sought interim exemption from criminal law pending trial — Federal Court stayed proceedings pending outcome of similar challenge by Allard that encompassed same issues and was significantly further advanced — Stay was supported by evidentiary record — Request for constitutional exemption in Allard had been refused as overly broad and inappropriate — Refusal of interim exemption for appellants did not give rise to reviewable error, as evidence of medical need was insufficient.

Appeals by 26 appellants from a Federal Court ruling refusing a constitutional exemption from the provisions of the Controlled Drugs and Substances Act. The appellants were among 300 self-represented litigants who challenged the constitutionality of the Marihuana Medical Access Regulations and the Marihuana for Medical Purposes Regulations. In 2014, the Federal Court stayed the challenges brought by the self-represented litigants on the basis that a challenge brought by another individual, Allard, was much further advanced and had significant potential to clarify the issues and save judicial resources. Nonetheless, the appellants filed motions for interim exemptions from the criminal prohibition based on the existence of a medical condition, and the number of their related Authorization to possess marijuana under the Regulations. The Federal Court dismissed the motions and clarified that the Allard stay would remain in place until all appeals were exhausted. The Court consolidated the ensuing appeals.
HELD: Appeals dismissed.

The decision to stay the challenges by the self-represented litigants until final disposition of the Allard case was

supportable on the evidentiary record due to the significant overlap. The Court properly considered issues of judicial resources, efficiency and the orderly conduct of multiple proceedings. The evidence supported the finding that resolution of the Allard matter would assist in the disposition of the other proceedings. The appellants failed to establish the medical exemption already provided by the Regulations was contrary to the Charter and would be remedied by an additional constitutional exemption. As found by the Court below, much of the evidence of medical need was insufficient. The refusal of the interim exemptions did not give rise to any reviewable error. Similar relief was sought in the Allard proceeding and rejected as overly broad and inappropriate. The appeal was accordingly dismissed with costs.

Statutes, Regulations and Rules Cited:

Canadian Charter of Rights and Freedoms, 1982

Controlled Drugs and Substances Act, S.C. 1996, c. 19

Marihuana for Medical Purposes Regulations, S.O.R./2013-119

Marihuana Medical Access Regulations, S.O.R./2001-227

Appeal From:

Appeal from an Order of the Honourable Mr. Justice Phelan Dated June 4, 2014 and an Amended Order Dated July 9, 2014.

Counsel

John C. Turmel, on his own Behalf and on Behalf of the Appellants in the other Consolidated Appeals.

Jon Bricker, Andrew Wheeler, for the Respondent.

REASONS FOR JUDGMENT

The judgment of the Court was delivered by

STRATAS J.A.

1 Before the Court are 26 appeals. Four appellants appeal an order dated June 4, 2014 and another 22 appellants appeal an amended order dated July 9, 2014. All orders were made by the Federal Court (*per* Phelan J.): 2014 FC 537.

2 This Court has ordered that the appeals be consolidated. These are the reasons in the consolidated appeals. A copy of these reasons shall be placed in each appeal file.

A. The pending challenges against marihuana regulations

3 The appellants in this Court, self-represented litigants, acting along with other self-represented litigants, have challenged the constitutionality of the *Marihuana Medical Access Regulations*, SOR/2001-227 (MMAR) and the *Marihuana for Medical Purposes Regulations*, SOR/2013-119 (MMPR) in the Federal Court. In all, there are roughly 300 virtually identical challenges.

4 The constitutionality of the MMPR is also in issue before the Federal Court in *Allard et al. v. Her Majesty the Queen*, file no. T-2013-13.

B. Interlocutory proceedings

5 On May 7, 2014, in response to a motion brought by the respondent, the Federal Court exercised its discretion in favour of staying the challenges brought by all of the self-represented litigants on the ground that the *Allard* challenge was "much further advanced" and had significant potential to "reduce the issues in play, clarify those remaining [,] potentially simplify the litigation for the lay litigants" and "save judicial resources": 2014 FC 435 at paragraphs 12, 22 and 24. In granting the stay, the Federal Court noted the "unprecedented situation of hundreds of lay litigants" whose claims were difficult to "realistically coordinate" (at paragraphs 12 and 22). The May 7, 2014 order was not appealed.

6 The large number of matters brought by the self-represented litigants in the Federal Court arises because the lead litigant, Mr. Turmel, created templates for litigation documents and made them available on the internet. In the case of the motions that led to the June 4, 2014 order now under appeal, the appellants made use of one of these templates to prepare their affidavits in support of their motions. The template was limited. It allowed them to state their medical condition without any other supporting detail or evidence. It also allowed them to insert the number of their Authorization to Possess certificate, a certificate granted on the basis of a medical condition sometime in the past.

7 In the June 4, 2014 order under appeal, the Federal Court exercised its discretion to dismiss motions by the appellants for interim constitutional exemptions from the *Controlled Drugs and Substances Act* pending trial of the challenges. In the July 9, 2014 amended order, the Federal Court clarified that the May 7, 2014 stay would remain in place until all appeals in the *Allard* challenge had been exhausted.

C. The specific issues in these appeals

8 Despite this procedural complexity, there are only two issues raised by these appeals. We must decide whether the Federal Court committed reviewable error in:

* staying the challenges until the final disposition of the *Allard* challenge; and
* dismissing the motions for an interim constitutional exemption from the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19.

D. The standard of review

9 The Federal Court judge who determined these matters did so as a case management judge. The order made is an interlocutory, discretionary one, based on applying legal standards to factual findings based on the evidence before him.

10 If such an order is prompted by an error of law or legal principle, an appellate court must intervene: see, *e.g.*, *Soulos v. Korkontzilas*, [1997] 2 S.C.R. 217, at paragraph 54. Short of that sort of error, an appellate court must defer to a motions judge's assessment. This is especially so when the order is a case management order: see, *e.g.*, *Sawridge Band v. Canada*, 2001 FCA 338, [2002] 2 F.C. 346 at paragraph 11.

11 Over the years, this Court and the Supreme Court have used different words to describe the level of deference that must be shown--or, put another way, the point at which a court can intervene in the absence of an error of law or legal principle. The cases speak of "clear error," "misapprehension of facts where an injustice would result," "sufficient weight to all relevant considerations," "so clearly wrong that it resulted in an injustice," "palpable and overriding error," and so on. The cases are unanimous that appellate courts cannot reweigh the evidence, come up with their own conclusions, and then replace those of the first instance court. See, *e.g.*, *Hryniak v. Mauldin*, 2014 SCC 7, [2014] 1 S.C.R. 87 at paragraph 83, *Penner v. Niagara (Regional Police Services Board)*, 2013 SCC 19, [2013] 2 S.C.R. 125 at paragraph 27; *Canadian Imperial Bank of Commerce v. Green*, 2015 SCC 60; *David Bull Laboratories (Canada) Inc. v. Pharmacia Inc.*, [1995] 1 F.C. 588 at page 594, 58 C.P.R. (3d) 209 at page 213

(C.A.); *Imperial Manufacturing Group Inc. v. Decor Grates Incorporated*, 2015 FCA 100, 472 N.R. 109 citing *v. Housen v. Nikolaisen*, 2002 SCC 33, [2002] 2 S.C.R. 235. In *Imperial Manufacturing*, in the interests of unity and simplicity, I sought to equate interlocutory discretionary orders with those described in *Housen* that fall in the category of questions of mixed fact and law, though I acknowledge that some take the view that such orders have some features different from those said to be based on questions of mixed fact and law.

12 Putting aside these subtleties, what is common to all of these verbal formulations is that in the absence of an error of law or legal principle an appellate court cannot interfere with a discretionary order unless there is an obvious, serious error that undercuts its integrity and viability. This is a high test, one that the case law shows is rarely met. This deferential standard of review has applied in the past to discretionary orders appealed to this Court and it is the test we shall apply to the interlocutory discretionary order made by the Federal Court that is before us in these appeals.

E. Analysis

13 Bearing in mind this standard of review, in my view the Federal Court did not commit reviewable error when it made its June 4, 2014 and July 9, 2014 orders.

(1) The stay decision

14 On this issue, the Federal Court applied settled legal principles; the appellants have not demonstrated any error of law on the part of the Federal Court.

15 Further, the decision to stay the self-represented litigants' challenges until the final disposition of the *Allard* challenge is supportable on the evidentiary record before the judge. It is also supported by the Federal Court's earlier findings that gave rise to its May 7, 2014 order, an order that has not been appealed.

16 Before the Federal Court was evidence suggesting that there was significant overlap between the challenges brought by the self-represented litigants and the *Allard* challenge and the Federal Court so found (at paragraph 5). The appellants urge us to reweigh the evidence and find that there is not significant overlap. Given the standard of review, we cannot engage in that reweighing. There was evidence before the Federal Court supporting its finding that there was significant overlap.

17 The Federal Court also took into account issues of judicial resources, efficiency and the orderly conduct of multiple proceedings before the Court (at paragraph 24). The Court found the *Allard* challenge, one conducted by "experienced counsel," was significantly advanced and would assist the disposition of the self-represented litigants' challenges (at paragraphs 5, 22 and 24). In addition, the judge noted that other superior courts had temporarily stayed similar claims pending the determination of the *Allard* challenge (at paragraph 10). Here again, on all these points, the evidence before the Federal Court was capable of supporting its reasons and findings.

(2) The decision on interim relief

18 On this issue, again the appellants have not demonstrated any error in legal principle on the part of the Federal Court.

19 The decision to dismiss the motions for an interim constitutional exemption from the *Controlled Drugs and Substances Act* until final determination of the *Allard* challenge is similarly supportable on the evidentiary record before the judge.

20 In argument before us, the appellants encouraged this Court to reweigh the evidence and find differently. As I have explained, as an appellate court that must apply the appellate standard of review, this we cannot do.

21 In dismissing the appellants' motions for an interim constitutional exemption, the Federal Court relied on the following matters:

* Similar relief had been requested in the *Allard* challenge but had been refused as overly broad and "inappropriate." In this case, the Federal Court found that the requested relief was "essentially unlimited" and "not tailored to remedying an alleged Charter violation" (at paragraphs 21-22).

* While the appellants' challenges were stayed, many would benefit from an earlier injunction the Federal Court granted in *Allard* (2014 FC 280, substantially upheld on appeal, 2014 FCA 298) (at paragraphs 15 and 20).

* In its reasons in support of the May 7, 2014 order (at paragraph 26), the Federal Court stated that it would remain prepared to consider motions for interim relief supported by adequate evidence brought by those who did not have the benefit of the earlier injunction and said that this "reduces, if not eliminates" the potential for prejudice to them.

* Mr. Turmel, the appellant in the lead file in these consolidated appeals, sought access to marihuana not to treat a recognized medical condition but to prevent illness. The Federal Court held that on the evidence it was not satisfied that marihuana's utility in preventing illness had been demonstrated (at paragraph 23).

* The appellants failed to establish that the medical exemption provided by the MMAR or MMPR violates their Charter rights in a way that would be remedied by the constitutional exemption they seek (at paragraph 23).

* A constitutional exemption was granted in *R. v. Parker* (2000), 49 O.R. (3d) 481, 188 D.L.R. (4th) 385 (C.A.). However, the Federal Court considered that *Parker* was distinguishable on the facts (at paragraphs 24-26). In *Parker*, the relief arose from a finding of unconstitutionality and the granting of a temporary suspension of certain provisions of the *Controlled Drugs and Substances Act*--something that is not present in these cases. Further, the Federal Court observed that after *Parker* the Supreme Court has significantly limited the availability of constitutional exemptions (at paragraphs 27-28, citing *R. v. Ferguson*, 2008 SCC 6, [2008] 1 S.C.R. 96).

* The appellants had failed to supply sufficient evidence concerning their personal medical circumstances to warrant any interim relief (paragraph 28). The only evidence before the Federal Court was the limited information supplied by way of the online template, but no supporting documentary evidence of their current medical condition.

22 Together, these matters, all supported by the evidence in the record, supplied the Federal Court with a basis to decide as it did and we cannot interfere.

23 Before us, Mr. Turmel on behalf of the appellants stressed that the selection of a material date for granting relief to some but not others in the injunction granted in *Allard* is irrational. The distinction was based not on medical need but rather on a non-medical criterion, namely the viability of the MMPR scheme. Mr. Turmel submitted that the Federal Court erred in its June 4, 2014 order by continuing this same erroneous approach. He asked this Court to remedy this by granting an exemption to all who satisfy the criterion of medical need.

24 The difficulty with this is the same discussed above: the Federal Court found that the appellants offered insufficient evidence of medical need. In its view, the assertions in the template affidavits were not enough. Again, this is an assessment of the sufficiency or weight of evidence, a matter on which we must defer.

25 I add that in its May 7, 2014 order, the Federal Court left the door open for those who could establish, by further and better proof than that found in the template affidavits, that they had a medically verifiable need for medical marihuana. In their filings that led to the June 4, 2014 order, none of the appellants took the Federal Court up on its offer.

F. Costs

26 The parties agree that costs in the amount of $3,350, all inclusive, collectively for all of the appeals are appropriate, and Mr. Turmel has undertaken on behalf of the appellants to pay them.

G. Proposed disposition

27 Therefore, I would dismiss Mr. Turmel's appeal with costs in the amount of $3,350, all inclusive. I would dismiss all of the other appeals without costs.

STRATAS J.A.
PELLETIER J.A.:— I agree.
GLEASON J.A.:— I agree.

THIS IS EXHIBIT "45" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

File Number:

IN THE SUPREME COURT OF CANADA

(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

BETWEEN:

John Turmel

Applicant

Appellant in appeal

And

Her Majesty The Queen

Respondent

APPLICATION FOR LEAVE TO APPEAL

John Turmel, APPLICANT

(Pursuant to Rule 25 of the Supreme Court Rules)

For the Applicant:

John C. Turmel, B.Eng.,

50 Brant Ave., Brantford, N3T 3G7,

Tel/Fax: 519-753-5122, Cell: 519-717-1012

Email: johnturmel@yahoo.com

For the Respondent:

Attorney General for Canada

IN THE SUPREME COURT OF CANADA

(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

BETWEEN:

John Turmel

Applicant

Appellant in appeal

And

Her Majesty The Queen

Respondent

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

John Turmel, APPLICANT

(Pursuant to Rule 25 of the Supreme Court Rules)

TAKE NOTICE that Applicant seeks leave to appeal the Jan 13 2016 decision of Federal Court of Appeal Justices Pelletier, Stratas and Gleason dismissing Applicant's appeal against the May 7 2014 decision of Federal Court Justice Phelan refusing Interim Exemptions for Personal Medical Use pending trial of the action.

AND FOR an Interim Exemption from the CDSA for the Personal Medical Use of marijuana by Applicant pending the action.

1

AND FOR ANY ORDER abridging any time for service or amending any error or omission which this Honourable Court may allow.

THE GROUNDS OF APPEAL are that Appellant proved sufficient medical need to warrant exemption from marijuana prohibitions pending the action for repeal.

Dated at Toronto on Mar 9 2016.

J C Turmel

For the Applicant:
John C. Turmel, B.Eng.,
50 Brant Ave., Brantford, N3T 3G7,
Tel/Fax: 519-753-5122, Cell: 519-717-1012
Email: johnturmel@yahoo.com

ORIGINAL TO: THE REGISTRAR

NOTICE TO THE RESPONDENT: A respondent may serve and file a memorandum in response to this application for leave to appeal within 30 days after service of the application. If no response is filed within that time, the Registrar will submit this application for leave to appeal to the Court for consideration pursuant to section 43 of the Supreme Court Act.

2

File Number:

IN THE SUPREME COURT OF CANADA

(ON APPEAL FROM THE

FEDERAL COURT OF APPEAL)

BETWEEN:

John Turmel

Applicant

Appellant in appeal

And

Her Majesty The Queen

Respondent

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

John Turmel, APPLICANT

(Pursuant to Rule 25 of the Supreme Court Rules)

For the Applicant:

John C. Turmel, B.Eng.,

50 Brant Ave., Brantford, N3T 3G7,

Tel/Fax: 519-753-5122, C: 519-717-1012

Email: johnturmel@yahoo.com

3

File Number:

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

BETWEEN:

John Turmel

Applicant
Appellant in appeal

And

Her Majesty The Queen

Respondent

APPLICANT'S MEMORANDUM
John Turmel, APPLICANT

(Pursuant to Rule 25 of the Supreme Court Rules)

PART I - STATEMENT OF FACTS

1. In 2013 Health Canada announced the repeal of the MMAR on April 1 2014 to be replaced by the MMPR which would no longer license private production of marijuana and limit shipments and possession to 150 grams. With no more renewals after Oct 1 2013, patients whose exemptions expired in the half-year before April 1 2014 could only remain legal by renewing for part-year or destroying all they had previously-grown and providing proof of purchase from one of only 6 Licensed Producers at the time.

29

2. Deterred by prohibitively high MMPR prices, most Exemptees could not purchase to remain legal and continued to use their own now-illegal stock rather than destroying it and suffering without. Few of the 18,000 expiring exemptees destroyed all the medicine they had spent years producing when their permits expired so they could have proof of purchase from commercial producers to validate their exemptions. The Health Canada Destroy-to-Renew Order forced all but the rich into the Parker Predicament of having to choose between their health and the law. Most chose outlawry while awaiting court developments and some patients have since been busted for continuing their prescribed treatment.

3.In Dec 2013, the Allard action was commenced representing the interests of the Coalition "Against MMAR Repeal" who have Authorizations To Possess challenging the MMPR regime with the sought injunction qualified as applicable to all 36,000 of Canada's MMAR private producer licenses.

4. Starting in Feb 2014, numerous court-dubbed Self-Rep "Turmel Kit" plaintiffs filed a Statement of Claim in Federal Court for MMAR and MMPR repeal seeking declaratory and financial relief for violations of rights under S. 7 of the Charter by seeking an Order:
A1) that the Medical Marihuana Access Regulations (MMAR) that came into force on Jul 30 2001 and the Marihuana for Medical Purposes Regulations (MMPR) that came into force on June 19, 2013, (and run concurrently with the MMAR until March 31, 2014 when the MMAR will be repealed by the MMPR) are unconstitutional and not saved by S.1 of the Charter in that the s. 7 Charter constitutional right of a medically

needy patient to reasonable access to his/her medicine by way of a safe and continuous supply consistent with the S.7 Charter right is unreasonably restricted by the impediments to access and/or supply in the MMAR and/or MMPR;
A2) And that, "absent a constitutionally acceptable medical exemption," the prohibitions on marihuana in the Controlled Drugs and Substances Act (CDSA) are invalid and the word "marijuana" be struck from Schedule II of the CDSA.
B) In the alternative, pursuant to S.24(1) of the Charter, for a permanent Personal Exemption from prohibitions in the CDSA on marihuana for the Plaintiff's personal medical use.
C) Or, alternatively, damages for loss of patient's marihuana, plants and production site and future needs.

5. The grounds of the Action included all the torts raised by Allard against the MMPR and:
a) "for MMAR Repeal" because of 16 identified constitutional violations,
b) "for MMPR Repeal" repeal because of 20 identified constitutional violations,
c) and, absent a viable medical exemption pursuant to R. v. J.P., for repeal of the prohibitions by striking the word "marijuana" from Schedule II of the CDSA.

6. On Mar 21 2014, 3 days later, Justice Manson ruled the medically-qualified group had the right not to be deprived of their medicine while the MMPR was not ready and carefully crafted an Order that:
A) all Production Permits, expired or not, were grand-fathered to Oct 1 2013 pending trial of the action but not all Possession Permits were extended,
expired ones were not. Only those still valid as of Mar 21

2014 were remedied, the other half were Left-Out;
B) no provision was made for ATPs needing to be amended from becoming voided thus Hebert, having had to move, was Left Out of the relief. If your Designated Grower dies, your permits die with him.

7. At that point, there were about 36,000 grow permits out there and you'd assume there are about half renewing in the first half of the year and about half renewing in the second half of the year. So, by April 1st, it was half a year of expired permits.

8. On May 7, 2014 Phelan J. stayed the Turmel Kit actions and dismissed all 50 motions for interim exemptions ruling out Interim Exemptions for Personal Medical Use were overbroad relief because Manson J. had dismissed the Allard motion for Interim Exemption because "the relief sought would grant them exemption from the provisions of the CDSA without limitation." Exemptions granted by the courts in the past have never been without limitation and have only ever been granted for Personal Medical Use. Appellants argued that "for personal medical use" is a reasonable limitation on such exemption.

9. Justice Phelan further ruled insufficient evidence of medical need:

> [28] In addition, the motions materials are inadequate to grant any relief. Although the motion record contains an affidavit portion which contains different degrees of personal information, each fails to plead sufficient evidence regarding the claimant's personal circumstances to warrant any relief. While some claimants have

indicated an ATP permit number, most have failed to provide a copy of that permit or to indicate whether it was relevant on the relevant dates.

10. Applicants' Affidavits attested to a valid medical need for marijuana with many having already qualified for MMAR exemption and remained unchallenged. With the ATP number on record, the Court had no need to see a copy of the ATP and the medical reason for the doctor authorizing the patient should be none of the judge's concern. The judge erred in claiming there was insufficient medical evidence he was not competent to demand or judge.

11. The 26 Plaintiffs who appealed were consolidated with John Turmel as Lead Appellant. There are 5 classes of Appellants:

12. 1) Ray Turmel has an Authorization To Possess but needed to have an interim exemption from the laws because he was arrested for growing too many plants because Health Canada have a requirement on the limit of the number of plants without realizing that whereas some people might grow 60 big ones, other people want to grow 600 mini buds-on-a-stick. Their plant limit is a flawed parameter which we are challenging in our original action below and that's why he, with an ATP, needed an exemption. As well, he needs relief from many of the onerous conditions of the old MMAR at that time.

13. 2) Terrance Parker, "the Terry Parker," the epileptic who won in 2000 and under his name, the Ontario Court of Appeal struck down the prohibitions on marijuana, "absent

a medical exemption." Parker was unable to prove his medical need to Judge Phelan.

14. 3) Like Allard Plaintiff David Hebert, Art Jackes needs to move. His Designated Grower has been changed and he needs to move his operation to his home. And after the Manson decision, that could not be done.

15. 4) Appellant Stephen Burrows had cut the size of a tumor on his crotch in half with cannabis oil, 1/8th the volume, but under the MMAR, Health Canada revoked the exemptions of 2,000 people in Nova Scotia and the east coast because Dr. Kammermans, the doctor who prescribed it to them, had return to his Ontario office to sign the forms. Rather than ask him to sign them in Ontario, Health Canada revoked two thousand permits for a non-medical reason. He then got another doctor to sign but, like most patients with grow-op permits expiring, he did not renew for just a couple of months, he couldn't put in a crop that fast, and he just lived on his stash waiting to see what Judge Manson would rule. And then Judge Manson grandfathered his expired Production Permit but not his expired Possess Permit.

16. In the hearing before Justice Phelan on his interim exemption, Stephen Burrows had the pictures of his tumor with him when he addressed Justice Phelan and would have shown them had the judge said doctor's say-so was insufficient evidence, he wanted more evidence in case he disagreed with the doctor's diagnosis. But the judge didn't tell him a doctor's authorization was insufficient, he wanted to see more, so Burrows never showed the judge the evidence he lacked because the judge never asked. And even

if the judge had been shown the pictures of Burrows' tumor and disagreed with the doctor's diagnosis, what right did he have to over-rule the doctor? So why does he need to see the medical evidence if he can't over-rule the doctor? And if he can't over-rule the doctor even if shown pictures of Stephen's tumor, how then can the pictures be necessary evidence? How can the judge see insufficient medical evidence when he's not supposed to be looking at it at all? Courts are not there to second-guess or play doctor.

17. With all permits expiring less than 2 weeks later on April 1 2014, Robert Roy's permits were expiring on Mar 18 2014, the very day of the Motion Hearing in Allard before Federal Court Justice Manson for extension of the MMAR with no disruption at all if the MMAR were extended! They would remain exempted or not depending on the decision. But the judge reserved his decision. And so Robert Roy's exemption expired the next day while awaiting the decision. Had he known he should have renewed for only 2 weeks out of the year, he would have but did not know. Though Roy had sufficient medical need to have his permit extended on the date of the hearing, the court ruled he no longer had on the date of his decision only 3 days later. Robert Roy has since been raided and faces charges.

18. 5) And John Turmel is the healthy Appellant who wants cannabis for its benefits, in particular neurogenesis. University of Saskatchewan says it grows new brain cells and Appellant wants all the brain cells possible. And for the prevention for all the diseases it's good for once you get them before you get them.

35

19. The Crown appealed any extension of patients' MMAR permits wanting everyone cut off from their medication, not just those 18,000 unfortunate enough to have expired in the previous half-year. The Allards cross-appealed for relief to:

a) expand the remedy to all patients by grand-fathering Possess permits with Production Permits;
b) allow permits to be amended.

20. On Dec 15 2014, the Federal Court of Appeal Justices Nadon, Webb and Boivin ruled:

[18] While the judge carefully crafted and tailored his order in a way that he considered minimally intrusive into the legislative sphere (judge's reasons at para. 121), it does not provide remedy to patients who held valid production licences on September 30, 2013 but whose authorizations to possess expired between September 30, 2013 and March 21, 2014 (the date of his order). The judge's choice of March 21, 2014 as the "cut-off" date has the effect of excluding Ms. Beemish and Mr. Hebert from his order.

[19] With respect, the difficulty with the judge's finding is that although he provides a right (the interlocutory injunction) to the four (4) respondents - Mr. Allard, Mr. Davey, Ms. Beemish and Mr. Hebert - he does not, in contrast, explain why he deprives two (2) respondents - Ms. Beemish and Mr. Hebert - of a remedy. After careful reading of the judge's reasons, I am left to speculate as to his intention.

[20] In these circumstances, I cannot address properly the determination the respondents are seeking as I am

> unable to understand whether the judge intended to exclude Ms. Beemish and Mr Hebert or simply forgot to deal with their situation. In other words, the judge's reasons do not allow this Court to perform its appellate function.
>
> [21] After considering making an assessment of the evidence, I believe that the wiser course is to return the matter to the judge with a direction that he specifically addresses the situation of Ms. Beemish and Mr Hebert.
>
> [23].. I would remit the matter back to the judge for determination solely on the issue of the scope of the remedy, more particularly with respect to Ms. Beemish and Mr. Hebert, in accordance with these reasons.

21. Though the Court of Appeal could not even speculate why Manson J. had granted the class a Right but had then denied that right to half the patients now condemned to no relief for their pain or even deaths, rather than immediately expanding the relief themselves, they returned it to Justice Manson to explain if he'd forgotten to include them in the remedy he had ruled they had a right to.

22. On Dec 30, 2014, Justice Manson refused the Order of the Court of Appeal to reconsider his decision:

> Upon having regard to the Federal Court of Appeal's decision dated December 15 2014...
>
> THIS COURT ORDERS that:
>
> [1] The Plaintiffs request a reconsideration of my decision of Mar 21, 2014, to
>
> (i) order that all patients that held a valid Authorization to Possess (ATP) on March 21 2014, or in

the alternative, September 30 2013, are covered by the Exemption Order I made, and to

(ii) order that all patients exempted by the Order, including Mr. Hebert and Ms. Beemish, and others similarly situated, can change their address form with Health Canada pending trial.

[2] As stated above, the Federal Court of Appeal remitted the issue of the scope of the interlocutory injunction for clarification only, to specify whether the injunction applied to Ms. Beemish and Mr. Hebert. There is no reconsideration to be made and certainly no expansion of the scope of my decision to apply to anyone other than the plaintiffs in the proceeding.

[3] In considering the balance of convenience, I specifically chose the relevant transitional dates of September 30 2013 and March 21 2014 to limit the availability of injunctive relief to extend only to those individuals who held valid licenses to either possess or produce marijuana for medical purposes as of those relevant dates...

[4] Accordingly, only those plaintiffs who had a valid license on September 30 2013 could continue producing marijuana for medical purposes and only those plaintiffs who held a valid authorization to possess marijuana for medical purposes at the time of my decision on March 21 2014 could continue to so possess.

[5] In considering the balance of convenience, the remedy I granted was intended to avoid unduly impacting the viability of the Marijuana for Medical Purposes Regulations (MMPR) and to take into consideration the practical implications of the MMAR regime no longer being in force.

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> [6].. The fact they did not possess valid licenses as of the transitional dates was determinative of their inability to be covered by the injunctive remedy granted."

23. Justice Manson had rejected any expansion of relief ruling he had repeatedly pointed out he was protecting the market viability of the MMPR, if not the actual viability of the patients by forcing as many patients as possible off their cheap home-grown source onto the Licensed Production market. Similarly, his decision was carefully crafted to further that goal by allowing no permit changes in order to force patients to buy from the regime when their Designated grower dies or they must move.

24. On Jan 6 2015, rather than immediately appealing for the Left-Outs to the higher court that seems not to have given regime viability much weight in their deliberations, attorney for Beemish and Hebert, John Conroy sought an adjournment of the Action for their permits to await the Supreme Court of Canada's Owen Smith decision challenging the prohibition on "dried" marijuana which does absolutely nothing for Beemish nor Hebert nor other patients with now-invalid permits who were cut off for non-medical reasons. The motion to adjourn was dismissed.

25. On Jan 16, Conroy finally filed an appeal of Manson J.'s Dec 30 2014 Amended Order, late, and failed to file a motion for immediate interim relief from the court above which had just ruled his clients had a Charter right for which no Charter remedy had been provided. Such high-probability immediate relief was not on Conroy's agenda.

26. On April 30 2015, John Conroy discontinued the appeal to the Court of Appeal with jurisdiction to expand relief to all in order to Apply to a judge of the Federal Court below without any such jurisdiction to vary a carefully crafted Order of a peer on the bench. Of course, Justice Phelan rejected that loser motion to vary Manson's Order citing 4 times that he could not vary a "carefully crafted" decision by his peer. Only an Appellate Court can overturn such carefully-crafted decision but Conroy has now foreclosed on that proper alternative.

27. Applicant has been denied legal standing to file an appeal on the grounds first elucidated in Justice Eleanor Dawson's decision of April 14 2015 in Allan Jeffery Harris v. HMTQ:

> iii).. He was not party to the order under appeal and so lacks standing to bring the appeal.

28. Should anyone wish to start a similar Action for relief below, Justice Phelan has stayed all cases seeking similar relief until the final adjudication of Allard. So there is no recourse for members of the group not named.

29. The Supreme Court of Canada in Owen Smith [2015] declared the Regulations to be a far more genocidal violation of the Right to Life than any caps on gardening ratios in Hitzig. Mis-Application by prohibiting optimal use and mandating use in its most dangerous form, smoking, has violated the right to life of many more corpses over the life of the regime than any supply flaw.

40

30. Of all the regulations designed by Health Canada to impede access and maximize mortality, prohibiting the most effective use of a medication and mandating its most dangerous form of ingestion has to be it. Dried bud on a face tumor won't work, nor will smoking. Topical application takes prohibited oil. All good citizens with cancer who obeyed their exemption regulations could not use it to cure their tumors. The unconstitutional prohibition on optimal use found in Smith has been a far more genocidal violation of the patient right to life than any gardener ratios for supply found in the Hitzig Bad Exemption could ever be.

31. James Turner was charged in 2006 and with the trial pending in Feb 2016, the Accused filed a motion to Quash his charges based on the Smith Bad Exemption. After winning 4 adjournments, the Crown withdrew the cultivation charge with only 2,879 plants in evidence.

32. On Feb 24 2016, the Federal Court of Canada issued the landmark Allard v. HMQ that declared the MMPR to be unconstitutionally flawed. Justice Phelan ruled:

> VIII. Conclusion
> [289] For all these reasons, the Court has concluded that the Plaintiffs have established that their s 7 Charter rights have been infringed by the MMPR and that such infringement is not in accordance with the principles of fundamental justice or otherwise justified under s 1.
>
> IX. Disposition and Remedy Disposition and Remedy
> [290] For these reasons, I find that the MMPR regime

infringes the Plaintiffs' s 7 Charter rights and such infringement is not justified.

[291] In several decisions regarding the MMAR, the Courts have struck out either certain provisions or certain words in certain provisions, but otherwise left the structure of the regulation in place. Most of these decisions related to criminal charges where such narrow, feasible and effective excising was appropriate.

[292] In the present case, the attack has been on the structure of the new regulation. It would not be feasible or effective to strike certain words or provisions. That exercise would eviscerate the regulation and leave nothing practical in place. The Defendant has recognized the integrated nature of the MMPR provisions.

[293] It is neither feasible nor appropriate to order the Defendant to reinstate the MMAR (as amended by current jurisprudence). It is not the role of the Court to impose regulations. The MMAR may be a useful model for subsequent consideration; however, it is not the only model, nor is a MMAR-type regime the only medical marihuana regime, as experience from other countries has shown.

[294] The remedy considerations are further complicated by the fact that there is no attack on the underlying legislation. Striking down the MMPR merely leaves a legislative gap where possession of marihuana continues as a criminal offence. Absent a replacement regulation or exemption, those in need of medical marihuana - and access to a Charter compliant medical marihuana regime is legally required - face potential criminal charges.

[295] It would be possible for the Court to suspend the operation of the provisions which make it an offence to possess, use, grow and/or distribute marihuana for those persons holding a medical prescription or medical authorization. However, this is a blunt instrument which may not be necessary if a Charter compliant regime were put in place or different legislation were passed.

[296] The appropriate resolution, following the declaration of invalidity of the MMPR, is to suspend the operation of the declaration of invalidity to permit Canada to enact a new or parallel medical marihuana regime. As this regime was created by regulation, the legislative process is simpler than the requirement for Parliament to pass a new law.

[297] The declaration will be suspended for six (6) months to allow the government to respond to the declaration of invalidity.

[298] The Plaintiffs have been successful and have brought a case that benefits the public at large. They shall have their costs on a substantial indemnity basis in an amount to be fixed by the Court.

"Michael L. Phelan" Judge F.C.C.
Vancouver, British Columbia
February 24, 2016

33. The Allard decision ignored the plight of those Left Out of the Manson Injunction. In his decision, Justice Phelan said:

[39] Justice Manson in his March 21, 2014 Order [the Manson Order] (in which he kept the MMAR largely in place for qualified persons)

34. Justice Phelan said "qualified persons," not "medical qualified persons." He meant persons qualified by the date on their exemptions, not by their medical need, and then dealt only with concerns for the date-qualified while leaving those Left Out ignored.

35. On Jan 13, 2016, the Federal Court of Appeal Justices Pelletier, Stratas and Gleason dismissed the appeal against the decision of Justice Phelan to deny interim exemptions to Appellants on the grounds stated.

ISSUE TO BE RAISED:

29. The learned Court of Appeal erred in allowing:
A) refusal of exemptions for Personal Medical Use to dangerously-ill patients;
B) the demand to see the medical evidence the Court is not competent to judge.

ARGUMENT

36. With the only regime now struck down in its totality, only Interim Exemptions for the same privileges to the medically-qualified Left-Outs which were granted to the medically-qualified date-validated users are the only remedy to allay the disaster visited upon 18,000 patients by the doings in the courts below .

ORDER SOUGHT:

Applicant seeks leave to appeal the Jan 13 2016 decision of Federal Court of Appeal Justices Pelletier, Stratas and Gleason dismissing Applicant's appeal against the May 7 2014 decision of Federal Court Justice Phelan refusing Interim Exemptions for Personal Medical Use pending trial of the action.

Dated at Toronto on Mar 8 2016

J C Turmel

Applicant:

John C. Turmel, B.Eng.,
50 Brant Ave., Brantford, N3T 3G7,
Tel/Fax: 519-753-5122, Cell: 519-717-1012
Email: johnturmel@yahoo.com

To the Registrar of this Court

To the Respondent: Attorney General for Canada

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File Number:

IN THE SUPREME COURT OF CANADA

(ON APPEAL FROM THE

FEDERAL COURT OF APPEAL)

BETWEEN:

John Turmel

Applicant

Appellant in appeal

And

Her Majesty The Queen

Respondent

APPLICANT'S MEMORANDUM

John Turmel, APPLICANT

(Pursuant to Rule 25 of

the Supreme Court Rules)

For the Applicant:

John C. Turmel, B.Eng.,

50 Brant Ave., Brantford, N3T 3G7,

Tel/Fax: 519-753-5122, C: 519-717-1012

Email: johnturmel@yahoo.com

File Number:

File Number:

IN THE SUPREME COURT OF CANADA

(ON APPEAL FROM THE

FEDERAL COURT OF APPEAL)

BETWEEN:

John Turmel

Applicant

Appellant in appeal

And

Her Majesty The Queen

Respondent

APPLICATION FOR

LEAVE TO APPEAL

John Turmel, APPLICANT

(Pursuant to Rule 25

of the Supreme Court Rules)

For the Applicant:

John C. Turmel, B.Eng.,

50 Brant Ave., Brantford, N3T 3G7,

Tel/Fax: 519-753-5122, C: 519-717-1012

Email: johnturmel@yahoo.com

THIS IS EXHIBIT "46" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

John Turmel

April 12 at 8:22am ·

Jct: The Supreme Court of Canada Registry wrote Ray to say that his Application for Leave to Appeal had been accepted despite the irregularity that I had cited Rule 25 rather than S.40. So I've changed thehttp://johnturmel.com/C26.pdf for any of the 26 Appellants who want to take it to the top. It includes the motion for extension of time to file a bit late to join the rest of us. Believe me, it will get in with the rest of us even if you file now.

johnturmel.com

JOHNTURMEL.COM

Like Comment Share

6

THIS IS EXHIBIT "47" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

No. 36927

June 23, 2016

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

Raymond Turmel

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The application for leave to appeal from the judgment of the Federal Court of Appeal, Numbers A-288-14 and A342-14, 2016 FCA 9, dated January 13, 2016, is dismissed with costs.

Le 23 juin 2016

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

Raymond Turmel

Demandeur

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéros A-288-14 et A342-14, 2016 FCA 9, daté du 13 janvier 2016, est rejetée avec dépens.

C.J.C.
J.C.C.

No. 36928

June 23, 2016

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

Robert Roy

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for an extension of time to serve and file the application for leave to appeal is granted. The application for leave to appeal from the judgment of the Federal Court of Appeal, Numbers A-291-14 and A-342-14, 2016 FCA 9, dated January 13, 2016, is dismissed with costs.

Le 23 juin 2016

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

Robert Roy

Demandeur

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en prorogation du délai de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéros A-291-14 et A-342-14, 2016 FCA 9, daté du 13 janvier 2016, est rejetée avec dépens.

C.J.C.

No. 36929

June 23, 2016

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

Stephen Patrick Burrows

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for an extension of time to serve and file the application for leave to appeal is granted. The application for leave to appeal from the judgment of the Federal Court of Appeal, Numbers A-289-14 and A-342-14, 2016 FCA 9, dated January 13, 2016, is dismissed with costs.

Le 23 juin 2016

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

Stephen Patrick Burrows

Demandeur

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en prorogation du délai de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéros A-289-14 et A-342-14, 2016 FCA 9, daté du 13 janvier 2016, est rejetée avec dépens.

C.J.C.

No. 36930

June 23, 2016

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

Cheryle M. Hawkins

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for an extension of time to serve and file the application for leave to appeal is granted. The application for leave to appeal from the judgment of the Federal Court of Appeal, Numbers A-341-14 and A-342-14, 2016 FCA 9, dated January 13, 2016, is dismissed with costs.

Le 23 juin 2016

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

Cheryle M. Hawkins

Demanderesse

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en prorogation du délai de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéros A-341-14 et A-342-14, 2016 FCA 9, daté du 13 janvier 2016, est rejetée avec dépens.

C.J.C.

J.C.C.

No. 36937

June 23, 2016

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

John Turmel

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for an extension of time to serve and file the application for leave to appeal is granted. The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-342-14, 2016 FCA 9, dated January 13, 2016, is dismissed with costs.

Le 23 juin 2016

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

John Turmel

Demandeur

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en prorogation du délai de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-342-14, 2016 FCA 9, daté du 13 janvier 2016, est rejetée avec dépens.

C.J.C.

No. 36938

June 23, 2016

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

Terrance Parker

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for an extension of time to serve and file the application for leave to appeal is granted. The application for leave to appeal from the judgment of the Federal Court of Appeal, Numbers A-287-14 and A-342-14, 2016 FCA 9, dated January 13, 2016, is dismissed with costs.

Le 23 juin 2016

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

Terrance Parker

Demandeur

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en prorogation du délai de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéros A-287-14 et A-342-14, 2016 FCA 9, daté du 13 janvier 2016, est rejetée avec dépens.

C.J.C.

No. 36939

June 23, 2016

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

Arthur Jackes

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for an extension of time to serve and file the application for leave to appeal is granted. The application for leave to appeal from the judgment of the Federal Court of Appeal, Numbers A-342-14 and A-347-14, 2014 FCA 9, dated January 13, 2016, is dismissed with costs.

Le 23 juin 2016

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

Arthur Jackes

Demandeur

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en prorogation du délai de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéros A-342-14 et A-347-14, 2014 FCA 9, daté du 13 janvier 2016, est rejetée avec dépens.

C.J.C.

No. 36940

June 23, 2016

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

Elsie Gear

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for an extension of time to serve and file the application for leave to appeal is granted. The application for leave to appeal from the judgment of the Federal Court of Appeal, Numbers A-336-14 and A-342-14, 2016 FCA 9, dated January 13, 2016, is dismissed with costs.

Le 23 juin 2016

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

Elsie Gear

Demanderesse

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en prorogation du délai de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéros A-336-14 et A-342-14, 2016 FCA 9, daté du 13 janvier 2016, est rejetée avec dépens.

C.J.C.

No. 36941

June 23, 2016

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

Heidi Chartrand

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for an extension of time to serve and file the application for leave to appeal is granted. The application for leave to appeal from the judgment of the Federal Court of Appeal, Numbers A-332-14 and A-342-14, 2016 FCA 9, dated January 13, 2016, is dismissed with costs.

Le 23 juin 2016

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

Heidi Chartrand

Demanderesse

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en prorogation du délai de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéros A-332-14 et A-342-14, 2016 FCA 9, daté du 13 janvier 2016, est rejetée avec dépens.

C.J.C.

No. 36991

June 23, 2016

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

Beverly Sharon Misener

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for an extension of time to serve and file the application for leave to appeal is granted. The application for leave to appeal from the judgment of the Federal Court of Appeal, Numbers A-342-14 and A-346-14, 2016 FCA 9, dated January 13, 2016, is dismissed with costs.

Le 23 juin 2016

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

Beverly Sharon Misener

Demanderesse

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en prorogation du délai de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéros A-342-14 et A-346-14, 2016 FCA 9, daté du 13 janvier 2016, est rejetée avec dépens.

C.J.C.
J.C.C.

Supreme Court of Canada | Cour suprême du Canada

No. 36937

BETWEEN:

John Turmel

Applicant

- and -

Her Majesty the Queen

Respondent

ENTRE :

John Turmel

Demandeur

- et -

Sa Majesté la Reine

Intimée

I hereby certify that the costs of the respondent have been taxed and allowed in the sum of eight hundred seven dollars and eighty-six cents ($807.86).

Je certifie par les présentes que les frais de l'intimée ont été taxés et que leur montant a été fixé à huit cent sept dollars et quatre-vingt-six cents (807,86$).

REGISTRAR OF THE SUPREME COURT OF CANADA

Dated this 30th day of November 2016.

REGISTRAIRE DE LA COUR SUPRÊME DU CANADA

Fait le 30e jour de novembre 2016.

THIS IS EXHIBIT "48" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

KingofthePaupers Jul 13, 2016, 12:11:58 PM
to

TURMEL: Supreme Court Reconsider C26 "Phelan can't play doctor?"

JCT: Of the original 270 Gold Stars at the April 29 2014 Big Event, 50 had filed motions for interim exemptions for Personal Medical Use with Affidavits including their MMAR permit information.

Like FBI Director Comey looked at all the evidence then said "Not enough," Judge Phelan looked at their permit number and said "Not enough!" See how the Judge's Prerogative works? No matter the evidence, he can always say he has not seen enough. Of course, having his eyes closed helps him stay truthful. Har har har.

But here, we argue Judge Phelan had no right to demand to see our medical information. None of his business to deny meds to patients without a medical license but he and Justice Manson did it anyway.

So 26 filed kits to appeal and the Court of Appeal dismissed saying they couldn't interfere with Phelan's discretion to decide to let them suffer or die. No kidding. David Shea action for Exemption for Personal Medical Use was stayed by Phelan and now he's dead. Of course, Phelan decreased his chances of survival, of course, he's statistically culpable even if never found guilty on this earth.

And 9 filed kits for leave to appeal to the Supreme Court of Canada against Phelan not giving out the meds without seeing the medical files.
John Turmel
Ray Turmel
Sharon Misener
Art Jackes
Cheryle Hawkins
Terry Parker
Heidi Chartrand
Stephen Burrows
Robert Roy

Supreme Court of Canada Justices McLachlin, Moldaver, Gascon dismissed accepting Phelan keeping patients away from their meds was a discretion he had that should not be tampered with. Too bad about all the corpses.

Now, there is a rarely used option to move for reconsideration. But it take something extra. I've done it before when I really wanted to slam the judges for being unjust. Stick the crime in their faces. And I didn't have a final stake to the heart I could use and wasn't going to urge people to file it just to have it rejected with nothing new.

But as I was talking to Sharon Misener last week about her recent problems with the legislation, she was laid low by

her tumors for months and had to shut down her grow, can't change to a DG! And then, she had no access to oil when she did get sick. Luckily, an angel sent her some that started her on her way to recovery. But that peril remains. Get sicker, no meds.

I grew so incensed that the zinger I was looking for to file for reconsideration came up:

Manson cut off cheap meds to 18,000 patients.
Phelan played doctor to keep those cut off from getting back on their meds.
The 3 Court of Appeal panel ruled they saw no reason to interfere with Phelan's discretion.
The 3 Supreme Court of Canada panel too.

If a doctor had cut off half a hospital's prescriptions based on the dates of their prescriptions,
If a panel saw no reason to interfere with his discretion to cut off half the patients for a non-medical reason,
If the final panel saw no reason to interfere with cutting off half the patients meds based on dates,
Those doctors would be on death row.
As you judges responsible for such suffering and death merit the same distinction.

Sure, Phelan's got all the files stalled on his desk right now, but when this is over, it'll be time to tally the toll of souls he caused to die, legally, his discretion. Just like in Heaven, the real punishment is the shame of everyone knowing the evil you did. And when it results in dead people, I wonder what it'll be like wandering around heaven with everyone knowing you killed people. Maybe the wicked will remain silent in the grave if coming out causes too much vomit in the bleachers.

Anyway, we had 10 days from June 3 and that would make us late now except Supreme Court doesn't sit in July so we have until Aug 3, not July 3 to file.

Since I have all the right materials, and it will be short, just a punch line for those who want to explain how it hurt. So those who want to file a motion for reconsideration, just send me an image or picture of your signature and any personal details you'd like to add about how you suffered, and I'll prepare them here and mail them all in together.

If doctors would end up on death row for cutting meds for non-medical reasons, why not judges? Oh right, they weren't doctors, no professional misconduct! Just corpses.

So, those who want to deem judges as guilty as doctors in cutting meds to patients, make sure I have your signatures and anything you'd like to add to the guys who should be on death row for letting Phelan play doctor with patient lives.

What do you think, will telling them they deserve death row for what they've done get reconsideration? Even if not, nice ending to the case for historians.

THIS IS EXHIBIT "49" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

Beverly Sharon Misener,
5 MacDonald St. P.O. Box 444
Larder Lake, ON, P0K 1L0
Tel/fax: 705-642-9121/519-753-5122
Email: dirtybynature@hotmail.com

Aug 21 2016
VIA FASCIMILE 613-996-9138

Mr. Roger Bilodeau, Registrar
Supreme Court of Canada

Mr. Registrar:

RE: Sharon Misener v. HMTQ No. 36991

Please accept this letter as the Applicant's Motion for Reconsideration of the dismissal of the Application for leave to appeal. Applicant also seeks an order abridging any time for filing or any other irregularity this court may allow because of my medical condition.

I raise no new facts presuming my medical condition was considered but only raise one important new conclusion from those facts.

In 2013, Health Canada announced it would no longer be granting any production permits after Oct. 1 2013 with no grow permits after April 1 2014. Patients with expiring MMAR exemptions were instructed to destroy their stored medicine and be exempted with proof of purchase from an MMPR Licensed Producer.

Though hailed as a reprieve for Canada's cannabis patients, on Mar 21 2001, almost 6 months later, Federal Court Justice Manson granted an injunction extending all grow permits back to Oct 1 2013, whether expired or not, but then did not extend all possess permits needed to grow expired or not. Only those not yet expired were extended. Those with expired possess exemptions would not be able to use their grow permits thus cutting almost half of the patients from their affordable supply. Justice Manson dis-exempted over 18,000 medical marijuana patient growers and it didn't make the news. Only a reprieve for half, the Left-Outs unmentioned.

Later in 2014, 50 Applicants of patients seeking Interim Exemptions pending action in the Federal Court based upon their MMAR permit number as proof of medical need were rejected by Justice Phelan who insisted on seeing more medical evidence upon which he was not qualified to judge.

The 26 who appealed to the Federal Court of Appeal were dismissed. And the 11 who sought leave to appeal to the Supreme Court were also dismissed.

During this time, I almost died. I was hospitalized with the recurrence of tumors with no access to oil and only an angel provisioner helped get back on my feet once I was out.

If a doctor had cut off half a hospital's prescriptions based on the dates of their prescriptions, he'd probably be in jail or, in some countries, on death row.

If a panel of doctors had seen no reason to interfere with his discretion to cut off half the patients for a non-medical reason, they'd probably be with him.

If the final panel saw no reason to interfere with cutting off half patient medication based on dates, they'd be with them.

If doctors could not get away with what the courts have done, is that not an indication that courts should not have done it?

Denying medicine to 18,000 patients is a matter of national importance and the request for interim exemption to again immediately begin growing their affordable medicine is of national importance too.

I seek an Order granting leave to appeal the refusal to grant me Interim Exemption for insufficient evidence of medical need. In order to avoid much duplication of documentation, should I be granted leave to appeal, I would ask that my fellow Applicants be included in such Order:
John Turmel, Ray Turmel, Art Jackes, Cheryle Hawkins, Terry Parker, Heidi Chartrand, Stephen Burrows, Robert Roy, Luc Leblanc, Jessica Leblanc.

Dated at Larder Lake on Aug 21 2016

Beverly S Misener

Applicant:
Beverly Sharon Misener,
5 MacDonald St. P.O. Box 444
Larder Lake, ON, P0K 1L0
Tel/fax: 705-642-9121/519-753-5122
Email: dirtybynature@hotmail.com

CC: Jon Bricker for the Respondent: FAX: 416-973-0809

THIS IS EXHIBIT "50" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

Department of Justice Canada
Ontario Regional Office
The Exchange Tower
130 King St. West
Suite 3400, Box 36
Toronto, Ontario
M5X 1K6

Ministère de la Justice Canada
Bureau régional de l'Ontario
la tour Exchange
130 rue King ouest
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Toronto (Ontario)
M5X 1K6

Tel: (416) 973-7171
Fax: (416) 973-0809
Email: Jon.Bricker@justice.gc.ca

Our File:
Notre dossier: 3597214

January 4, 2017

VIA REGULAR MAIL

John Turmel
50 Brant Avenue
Brantford, Ontario
N3T 3G7

Dear Sir:

RE: TURMEL, John and Her Majesty the Queen in Right of Canada
Federal Court of Appeal File No.: T-488-14

TURMEL, John and Her Majesty the Queen in Right of Canada
Federal Court of Appeal File No.: A-342-14

TURMEL, John and Her Majesty the Queen in Right of Canada
Supreme Court of Canada File No.: 36937

By Order dated January 13, 2016, the Federal Court of Appeal dismissed your appeal from the July 9, 2014, Order of the Federal Court, and awarded costs in favour of the Respondent, Her Majesty the Queen in Right of Canada, in the amount of $3,350.

By further Order dated June 23, 2016, the Supreme Court of Canada dismissed your application for leave to appeal the above-noted Order of the Federal Court of Appeal, with further costs. By Certificate dated November 30, 2016, the Registry taxed and allowed these costs in favour of the Respondent, in the amount of $807.86.

Further to my letter of January 6, 2016, I also remind you that by Order dated November 6, 2016, the Federal Court dismissed your motion for summary judgment, and awarded costs in favour of the Respondent, in the amount of $250.

Accordingly, please prepare a cheque made payable to the **Receiver General for Canada** in the amount of $4,407.86, and send it to my attention at the address indicated above as soon as possible.

Canada

Yours truly,

Jon Bricker
Counsel
Litigation, Extradition and Advisory Division

Enclosures

THIS IS EXHIBIT "51" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

TURMEL: Judge Phelan dismisses Gold Star Claims

13 views

KingofthePaupers Jan 15, 2017, 2:02:48 PM

to

TURMEL: Judge Phelan dismisses Gold Star Claims
http://cas-cdc-www02.cas-satj.gc.ca/portal/page/portal/fc_cf_en/Phelan

JCT: We all got an email with Judge Phelan's decision throwing out our actions for remedies without adjudication. Says he has good reasons why our claims should not be considered. Doesn't:

Date: 20170111
Citation: 2017 FC 30
Ottawa, Ontario, January 11, 2017

PRESENT: The Honourable Mr. Justice Phelan

BETWEEN:

In the matter of numerous filings seeking a declaration pursuant to s 52(1) of the Canadian Charter of Rights and Freedoms

JCT: Remember, the Crown called "the Matter of numerous filings seeking a declaration" is "remarkable, unprecedented and extraordinary."

J: ORDER AND REASONS

I. Introduction

[1] The decision in this matter addresses 316 proceedings initiated by self-represented plaintiffs and an applicant in eight (8) different provinces and territories,

JCT: Lawyers with arithmetic! It's all 10 provinces:
http://johnturmel.com/mmprgold

J: all related to the then current medical marihuana regulations which the Court ultimately found to be unconstitutional as contrary to the Canadian Charter of Rights and Freedoms, Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11 [the Charter], in Allard v Canada, 2016 FC 236, [2016] 3 FCR 303 [Allard].

[2] The specific proceeding in issue is a motion in writing under Rule 369 seeking an order striking these claims/application without leave to amend.

[3] The grounds for the motion can be summarized thus:

a) Since February 2014, 316 self-represented litigants have commenced virtually identical claims in the Federal Court claiming declarations and damages for breaches of

constitutional rights in enacting the Marihuana for Medical Purposes Regulations, SOR/2013-119 [MMPR];

JCT: We also have claims by people stuck under MMAR regs.

b) The identical claims are based on "kits" downloaded from the website of a plaintiff John C. Turmel [Turmel Kit], which contained a pro forma statement of claim to be used with the insertion of some specific information related to each individual, such as name, address and amount claimed.

JCT: Guess he forgot those who also filed "illness" and "Exemption Number."

c) The Turmel Kit claims were collectively case managed with two other proceedings which seek similar relief, namely Bradley Hunt et al v Her Majesty the Queen in Right of Canada (T-1548-14) [the Hunt claim] and Derek Francisco v Attorney General of Canada (T-697-14) [the Francisco application].

II. Background

A. History

[4] Since February 2014, more than 300 self-represented plaintiffs have filed virtually identical claims at the Federal Court in Alberta, British Columbia, Manitoba, Nova Scotia, Ontario, Quebec, and Saskatchewan.

JCT: He missed New Brunswick and Newfoundland.

J: The claims are based on the Turmel Kit downloaded from the website of a plaintiff John Turmel. The claims seek declarations that the Marihuana Medical Access Regulations, SOR/2001-227 [MMAR] (repealed on March 31, 2014), and the MMAR replacement, the MMPR (declared unconstitutional on February 24, 2016), are unconstitutional.

JCT: Yes, we asked for what happened.

J: The MMPR was replaced in August 2016 by the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230 [ACMPR].

[5] In addition to declaratory relief,

JCT: Which was won by Allard..

J: the claims requested an order striking "marihuana" from Schedule II of the Controlled Drugs and Substances Act, SC 1996, c 19 [CDSA].

JCT: The BENO Motion for Repeal of Cannabis Prohibition by removal from the list of banned substances. The ultimate remedy others forgot to file for even if sought eventually.

J: In the alternative, the claims seek permanent exemptions from the CDSA for the Plaintiffs' personal medical use of marihuana or,

JCT: Too bad David Shea and Sharon Misener are dead when they

get this judgment. But Phelan ruled he needed to see more medical evidence than just their their illness and previous exemption number.

J: in the further alternative, damages for the loss of the Plaintiffs' marihuana plants and production sites when the personal production regime embodied by the MMAR was replaced by the commercial licensed producer regime of the MMPR.

JCT: This is the big one for all those who were harmed by complying with the unconstitutional MMPR order to shut down and destroy their supplies.

[6] As noted earlier, all Turmel Kit claims are collectively case managed with the Hunt claim and the Francisco application.
[7] The self-represented Plaintiff in the Hunt claim seeks a declaration that a constitutionally viable exemption from the CDSA must exist to allow individuals to produce and possess cannabis, and to approve one's own use of cannabis in any form. Hunt also claimed for a declaration that several provisions of the MMAR, MMPR, and CDSA are invalid and that provisions of the Narcotic Control Regulations, CRC, c 1041 [NCR] and Ontarios Drug and Pharmacies Regulation Act, RSO 1990, c H.4 [DPRA] are invalid to the extent that they require a physician's approval for an individual to use marihuana. Hunt also sought interim exemptions from the CDSA, some other relief that is somewhat difficult to understand, and $1 billion in "aggravated" costs.
[8] In the Francisco application, the Applicant seeks judicial review of a decision by the Minister of Health to deny his request for an exemption from s 4 (possession) and s 7 (production) of the CDSA. The application requests declarations authorizing medical use of cannabis by medically approved persons in any form and striking out the restrictions to "avoid marihuana" and the 150 gram possession limit in the MMPR, as well as a personal constitutional exemption from the CDSA for the Applicants personal medical use of marihuana.

[9] In addition to these 300 plus proceedings, the Court, at about the same time, was seized of Allard, which was a comprehensive constitutional challenge to Canada's then medical marihuana regime under the MMPR.

JCT: We had 20 points of issue and Allard had 4, not quite comprehensive to anyone but a judge.

J: The relief sought in Allard was similar, if not identical, to the declarations sought in these proceedings.

JCT: The 4 points in Allard may be identical to our 20 points? Har har har. So we win everything Allard won and now only want to win what Allard didn't ask for and we did and still await.

[10] Prior to the hearing of Allard, Justice Manson granted an injunction which had the effect of preserving the substance of the MMAR

JCT: That's why we're still complaining about the MMAR too.

J: for the significant majority of those holding

authorizations under that regulation, pending the Court's determination of the constitutionality of the MMPR.

JCT: A significant majority were still alive when Justice Manson cut the others off? Almost the first half of the year had expired by the Mar 21 decision, 10 more days to half. So 192 to 172 isn't that significant of a majority but 172 to 192 is a significant minority who did get cut off with 36,000 licenses.

Notice he doesn't mention Manson's 150-gram limit imposed using fraudulent surveys of which he'd been made aware were off by a factor of 9. Estimating a daily average of 1-3g/day, average 2, is a factor of 9 off the 18g/day Manson cited in the same paragraph was actual prescribed dosage. Duh. So keep in mind, Judge Phelan knows about the under-medication by fraudulent stats and left the 150-gram limit in his final decision. He's guilty of imposing a genocidally low limit on the patient population with Manson.

[11] Given the circumstances of the pending Allard hearing, the Chief Justice, by way of direction, stayed the Turmel Kit claims pending the interim injunction request. After Justice Manson's injunction decision, I, as case management judge of all of these Turmel Kit claims/application, continued the stay for reasons which included the substantial overlap between the issues in Allard and the Turmel Kit claims recognizing that the relief sought, while not always identical to Allard, was very similar.

JCT: 4 out of 20 is "substantial overlap." Har har har. But he's used these joke in earlier decisions.

[12] This Court noted that most, if not all, of these 300 plus proceedings lacked the type of detail necessary to properly plead the respective claims.

JCT: Sharon Misener's expired exemption and affidavit of cancer wasn't proof enough of medical need! The judge needed more medical information that he wasn't qualified to judge. 50 Gold Stars had filed motions for Personal Medical Use Exemptions with their numbers and illnesses. 26 appealed his ruling he could play doctor. 11 took it to the Supreme Court. We all got an $800 bill. To show my intention, I'm going to send them a check for $1 for now while trying to raise the rest. Har har har. But I'll make my first payment.

J: The Plaintiffs/Applicant were given 10 days to amend the pleadings to address this lack of detail, but none availed themselves of that opportunity.

JCT: Sure those on List A under the Allard protection were given 10 days from being served with their list but those who were not on the protected List A only got 3 days because Judge Phelan started their clock now.

And then the Crown didn't even bother sending anyone on List B a letter informing them they weren't not protected and had 3 days to file. Get that, the Crown only informed the guys who didn't need to file within 10 days from service and didn't inform the guys who did have to file within 3 more days. Why

Phelan did that, 10 days for those who don't need it and 3 days for those who do, who knows? Why the Crown didn't serve List B, who knows? Doesn't matter, we had 50 Gold Stars who had filed the Motions for Interim Exemption with Affidavits attesting to their medical need and exemption number.

[13] On June 11, 2015, the Supreme Court of Canada in R v Smith, 2015 SCC 34, [2015] 2 SCR 602 [Smith], found that the restriction to "dried" marihuana was contrary to s 7 of the Charter and declared s 4 (possession) and s 5 (trafficking) of the CDSA to be of no force and effect to the extent that they prohibit individuals with medical authorizations from possessing cannabis derivatives for medical purposes.

JCT: Any charges withdrawn for any Exemptee charged with hash or oil possession? Still stuck with the bogus Criminal Record?

Just as the Ontario Court of Appeal criticized Ontario Superior Court Justice Lederman for not declaring "No Offence" after declaring "Bad Exemption" in Hitzig, and as Justice Taliano did not fail to declare Bad Exemption means no S.4 or S.7 Offence in Mernagh, the Supreme Court in Smith did fail to declare No Offence when it declared the Bad Exemption. So now we have to ask lower courts and the best reply of the Crown is that the Supreme Court didn't do BENO, so it's not doable. The point is they should have done declared Bad Exemption No Offences as Taliano did in compliance with the J.P. Court of Appeal interpretation of Parker that said Prohibition Invalid Absent Exemption.

J: Smith addressed some of the issues raised by the Plaintiffs/Applicant.

JCT: Smith addressed only one. How did he inflate 1 to "some?"

[14] On February 24, 2016, this Court, in the Allard decision, found that the MMPR infringed those Plaintiffs' rights under s 7 of the Charter and that this infringement was not justified under s 1.

JCT: Yeah, that's what we asked for too. But then we asked for BENO and damages. Now let's get on to the rest we asked for.

J: The Court declared the MMPR to be of no force or effect but suspended the declaration for six months to provide the government time to implement a new regulatory regime.

JCT: But the regime that ordered people to shut down was not constitutional. And they used a fraud to impose it.

J: The potential for a new regime eliminated any need to suspend CDSA provisions.

JCT: Sure, the exemption isn't working and the prohibition should be turned off until it is according to Parker but the potential for a working exemption is as good as a working exemption, to a judge! Har har har har har har.

He admits it isn't working, has heard of BENO but fails to enforce it like the Supreme Court failed. Forgot what Parker said. Evident not having any marijuana means the judge isn't

growing any new brain cells.

J: The Manson injunction continued during this six-month period.

JCT: That's right, despite seeing my mathematical proof of the under-estimation of medication from actual fact was based upon fraudulent surveys, (how else could they be that far off?) he still left the genocidal low-limit in. Great indictment there.

J: The Defendant has advised that 162 of the Plaintiffs/Applicants met the criteria of the Allard decision and were entitled to its benefits.

JCT: The 162 guys whose 10-day clocks started ticking when they found they were on List A. Forgets to mention he set the clocks ticking on the other 154 on List B last week. While they waited for mail informing they had to move that was never to arrive. But he gave them a chance and they missed his generous 3-day deadline despite not being told...

[15] On August 24, 2016 (six months after the Allard decision), the government enacted the Access to Cannabis for Medical Purposes Regulations to replace the unconstitutional MMPR.

III. Analysis

A. Rule 369 Motion

[16] The time to appeal the Allard decision having passed without an appeal, and having notice of the Defendant/Respondent's intention to move to strike the claims/application, the Court directed that any such motion be filed by April 26, 2016.

JCT: "The time to appeal the Allard decision having passed without an appeal," means things are over. So when a previous Allard decision was not appealed did he make me file a motion to remove a stay that had expired with no appeal. Even the Crown wrote they thought the stay died with the failure to appeal but I filed the Motion to Lift the Expired Stay, probably a first, and Justice Phelan Granted it. Har har har. Probably a first for both of us.

[17] In the meantime, on April 8, 2016, John Turmel brought his own motion for summary judgment. In so doing, Turmel acknowledged that his requests for declarations in respect of the MMAR and MMPR have been rendered moot as a result of the Allard decision.

JCT: Notice how Judge Phelan our conflates beefs against both the MMAR and MMPR with Allard which only dealt with the MMPR. Right? Allard only dealt with the MMPR. And now he's conflating my request for a declaration against the MMAR with the declaration won by Allard against the MMPR! Just lawying.

Only we raised the challenge to the grower limits previously won by Sfetkopoulos and then Beren. Those were adjudicated, why should the new 2-patient/grower and 4grower/garden limits

be heard? Plant limits under the MMAR weren't considered in Allard. So seeking the declaration against the MMPR may have been mooted but not against the MMAR whose objected-to parameters continue to be enforced under all regimes.

J: He also appeared to have abandoned his claim for damages.

JCT: I did, I'm healthy, I want cannabis for prevention and benefits. No one unhealthy who was harmed did abandon their claim for damages.

[18] On this motion only Turmel (in Court File T-488-14) sought to challenge the motion.

JCT: Though Judge Phelan permitted the Crown to serve everyone by email, he insisted the patients run around to print and serve paper documentation in reply on the Crown and the Court. I refused to comply with that nasty ruling and only I did the paper route.

J: Hunt filed a separate proceeding which was directed at maintaining his action.

While neither Turmel nor any of the other Plaintiffs/Applicant specifically raised an objection under Rule 369(2) to the matter being in writing,

JCT: I did. Guess he forgot. Notice the first topic is: MOTION IN WRITING where I ask for a live hearing. https://groups.google.com/forum/#!topic/alt.fan.john-turmel/qEN5SfxwgzA

J: the Court understands that Turmel wants the matter to be heard orally and that he purports to speak on behalf of all other Plaintiffs/Applicant, despite the prohibition in R 119 against a non-solicitor representing other persons.

JCT: Cheap reason. At the Big Event, everyone got the chance to speak even if I led off. Now he makes it sound like I want it so only I get to speak and the rules won't allow that, so he can't allow what he himself did last time either. Lawying again.

[19] This is an appropriate case for a R.369 proceeding. The issues of mootness, relief not available at law, absence of reasonable causes of action, proceedings that are frivolous, vexatious, and abuse of process, and ancillary issues are all capable of being decided on the record. As noted, the record is thin in substance and largely consists of a template-type statement of claim.

JCT: Part A which we would have won if Allard hadn't been first was that frivolous and vexatious. Had we not won, I could understand his derision but considering we've been right so far, I think is denigration is a bit premature.

[20] The matter can be disposed of expeditiously, efficiently, and, most importantly, fairly on the basis of written materials. The time, expense, and logistics of addressing each action/application in person in each filing location are unreasonable, cumbersome, and add no substantive fairness to the process.

JCT: So was letting the Crown serve by email and making the patients all serve and file on paper all that expeditious, efficient and fair? Seems pretty unfair to me. And the Great Canadian Gambler, best just of fair there is, and letting the Crown use email then saying lack of paper reply now counts stinks to high heaven.

[21] Therefore, the Court concludes that this matter should be disposed of on the written record.

JCT: Can't look his victims in the face.

B. Mootness

[22] In Borowski v Canada (Attorney General), [1989] 1 SCR 342, 57 DLR (4th) 231, the Court set out a two-step process for determining whether to dismiss due to mootness.

JCT: No one says that our Part A declaration wasn't mooted by Allard's. But as usual, because one lost, the other should too without any consideration.

J: Firstly, a court determines whether a decision will have no practical effect, and is therefore moot.

JCT: So people getting damages for the fraudulent legislation will have no practical effect?

J: Secondly, the court must consider whether, despite being moot, there are good reasons to hear and determine the case.

JCT: And of course, damages sustained by ordinary people don't interest the court who have better things to spend their sparse resources on.

[23] In these cases the requests for declaratory relief are moot.

JCT: Sure. Part A but not the BENO declaration right. Saying all declaratory relief is now moot because half has been mooted. What about the remedies we asked for Allard did not? Just more lawying.

J: The MMAR has long been repealed.

JCT: Many patients are still under it's unconstitutional limitations but reality doesn't seems to matter here.

J: The MMPR was declared invalid, and it has now been repealed and replaced by the ACMPR.

JCT: And so the damages caused the now-invalid MMPR on fraudulent pretenses don't have to be addressed any more.

[24] The lis or interference with constitutional rights under the MMAR and MMPR has ended with the introduction of the ACMPR.

JCT: So because the violation of your rights has ended, you have no more recourse for what it did to you.

J: Any declaration would have no practical effect on the Plaintiffs/Applicant. (The issue of damages is dealt with separately later.)

JCT: How about a declaration that the S.4 and S.7 prohibitions were invalid while the MMPR was deficient? Pretty practical to people with bogus criminal records.

C. Discretion

[25] There are several good reasons why the Court should not exercise its discretion to continue to adjudicate these matters:

JCT: Sure, tell us of the discretion of the guy who let Sharon Misener die. Whose medical diagnosis that he didn't see she had any medical need was faulty. Tell why you shouldn't deal with the damages to victims you helped harm. Issue?

a) there is nothing to adjudicate: the substrata of the lis has disappeared completely with the introduction of the ACMPR;

JCT: Sure, the loss from destroying your grow-op and pot has disappeared completely with the ACMPR. How heartless. He just can't see.

b) judicial economy militates against expenditure of judicial resources on a theoretical claim; and

JCT: Courts shouldn't waste time on the "theoretical claims" that destroying your facilities and stock caused you harm.

c) the role of a court is to adjudicate, not to make general statements at large on legal issues.

JCT: Har har har. That is the role of the Court, as it did in granting the Part A declaration. Seemed no problem adjudicating a large legal issue there. Now we want to adjudicate the small legal issue of damages now that we won the large legal issue of declaration of invalidity.
Actually, it's like saying "You can prove you were harmed but that victory is enough, you can get remedy for being harmed!

[26] No party other than Turmel seems to be interested in litigating the issues.

JCT: Sure, all those patients who didn't run around filing paper kits don't seem interested. Shame on them...

J: Even Turmel seems to recognize that the matters are moot and there is nothing on which to give a useful declaration.

JCT: Can anyone really believe that I gave up my B remedy because I won my A remedy? More lawying. Of course, I never said Remedy B for Repeal with cannabis off the banned list was mooted, could I? But in a judge's delusional world, he may really think I gave up on my declaration for No Offence when winning the Bad Exemption. Right?

[27] There is no regulation to attack and therefore nothing

useful to declare.

JCT: Guess he forgot to declare the S.4 and S.7 prohibitions invalid too. To think someone this forgetful is on the federal bench.

J: The MMAR has been replaced by two different regulatory regimes. The MMPR has been struck down, the appeal period has passed, and the matter of the validity of the MMPR is res judicata. Finally, the MMPR has been replaced in its entirety by the ACMPR.

JCT: Great. Now remedy for the harms due to its flaws. Since we won Part A, declaration of invalidity of the exemption, he says it settles Party B, declaration of invalidity of the prohibitions and the damages claims. This is a standard practice. Put up the two targets, knock one down and say you got them both.

[28] In terms of judicial economy, handling more than 300 similar cases across the country without a lead file or some coordination is a daunting task.

JCT: Gee, he just couldn't figure out who would be the lead file. The Federal Court of Appeal managed to discern a Lead Appellant but Justice Phelan just can't see!!

J: Before working out the logistics, the Court must be able to conclude that something legally useful might be attained.

JCT: Is victims getting damages not legally useful?

J: However, here there are no issues which can usefully be resolved in terms of present or future proceedings.

JCT: Damages for victims can't be usefully resolved. He wouldn't be able to see..

J: Any problems with the new regime should be handled directly in claims under or against the ACMPR.

JCT: Hey, we should forget Remedy B! forget the damages.

[29] Any declaration that the Court might make would be a general pronouncement on past laws, not an adjudication with some effect on the claimants' existing rights.

JCT: Only because Judge Phelan forgot to declare the Prohibitions Invalid when he declared the Exemption Invalid. That affects future law. But if you ignore the request for remedy of future law, then I guess you can say we only sought remedy of past law. But BENO is certainly not just past effect on rights, it's going on now. Justin's Busteds is still ongoing.

J: The adjudicature culminated in the Allard decision.

JCT: The adjudicature of only Remedy A. Okay, supposedly, he's still only talking about Remedy A settled in Allard. Allard didn't officially ask for BENO nor damages. Sure sure, we win Remedy A with Allard, A is mooted. Now does he want to say

that means Declaration B and damages are mooted too?

[30] Therefore, these proceedings are moot and there is no good reason to allow the actions/application to continue.

JCT: So Remedy B is mooted because Remedy A was won. Har har har. Typical lawying.

J: This motion can be granted on these grounds alone; however, for the sake of completeness, the Court will briefly address other grounds raised by the Defendant/Respondent.

JCT: Why yes, because we won Remedy A now mooted, Remedy B and damages are mooted too.

D. Other Grounds

JCT: First of all, these aren't "grounds," they're "remedies."

[31] With respect to the requests to have certain provisions of the CDSA struck down,

JCT: Like Taliano did and the Ontario Court of Appeal criticized Lederman for not doing... Parker said Prohibition Invalid Absent Exemption. Guess Phelan finds that hard to understand because he just declared the Exemption Absent but did not declare the Prohibitions Invalid. So the judge didn't follow precedent doing it right, he followed precedent doing it wrong. We can now apply the Hitzig Ontario Court of Appeal pan of Lederman to Phelan too.
Final point, if you notice in the Quash Motion, I do cite where they criticize Lederman for missing NO when he declared BE and then when I criticize the Supreme Court for failing in the same way in Smith, I used the Ontario Court of Appeal's very words of criticism. Har har har. Hope they noticed.

J: this Court in Allard refused to do so on the basis that a new regime was a better remedy than the potential disruption caused by striking down legislative provisions.

JCT: He refused to do so because it hadn't been raised. There was no foundation, no factums, nothing. Such a decision is called "per incuriam," in that things that ought to have been considered were not. Kirk raised it but the Crown objected and there was no argument. It was shut down. But his giving it a thought is now to be deemed as deep thinking on the matter. It wasn't. It was "per incuriam."

J: The issue was sufficiently addressed in Allard to constitute stare decisis.

JCT: The issue wasn't argued nor addressed at all in Allard so how can it be already decided. But if he says it was such a reasoned decision with appropriate documentation, it's just lawying. I've quoted his flimsy excuse for not following J.P. and Taliano in other motions. Still flimsy now.

J: While another judge of this Court could theoretically reach a different conclusion, judicial comity favors consistency in results. There is no good reason to revisit the issue.

JCT: To revisit the issue he never considered in any detail at all? That's more lawying. No documentation, no facta, no argument, that's why the Crown objected to the sudden idea by Kirk Tousaw. There was no foundation. And upon the dismissal of a suggestion with no foundation, Phelan now wants to invoke "stare decisis" that it's already been adjudicated. Adjudicate means "judged" and nothing was judged. But his not declaring NO after declaring BE lets me use the OCA pan on him from now on.

[32] While the Plaintiffs claim damages - with few of the necessary specifics for such claims - the claims are largely for loss of unused marihuana grown or loss of the production sites.

JCT: Finally, dealing with the damages from unconstitutional legislation under fraudulent pretenses.

[33] As held in Quebec (Commission des droits de la personne et des droits de la jeunesse) v Communauti urbaine de Montrial, 2004 SCC 30, [2004] 1 SCR 789, absent wrongful conduct, bad faith, or abuse of power, in respect of public law matters courts will not award damages for harm suffered as a result of an enactment which is subsequently declared unconstitutional.

JCT: And he doesn't think it wasn't "wrongful conduct, bad faith, or abuse of power" to:
1) rely on fraudulent surveys to under-medicate the patients;
2) argue home-grows had to be shut down to the danger from
a) fires when there had been none;
3) mold when growers pay more attention and have less mold than the 90% of Canada's houses that do.
All that lying and misrepresentation to shut down your grow-ops and he doesn't think it's "wrongful conduct, bad faith, or abuse of power." Who cares, he's just a judge.

Just remember, people died and Phelan was na executioner so why would he think it wrong for bureaucrats to cut off sick people's medicine, he's already done it personally to the victims in front of him. We say using fraudulent polls off by a factor of 9, lying about fires and mold, is prima facie evidence of "wrongful conduct, bad faith, or abuse of power."

[34] The subject pleadings contain insufficient, if any, particulars of bad faith or abuse of process.

JCT: The infamous "I don't see enough evidence" like when he didn't see enough evidence of Sharon Misener's cancer and expired exemption and had to turn down her request for an interim exemption. Lucky him she isn't around to point her finger at him and tell him his medical opinion was wrong.

[35] In respect of the Hunt claim (Court File T-1548-14), the Plaintiff seeks a declaration that provisions of the NCR and DPRA are invalid because they require a physician to approve the use of marihuana.
[36] It is settled law, as recently as Smith, that the requirement for medical authorization is constitutionally sound.
[37] In addition, the pleading is deficient in allegations

concerning the limitation of access to marihuana by reason of the requirement for medical authorization. In a similar vein, the Hunt pleading shows no connection of the provincial DPRA to a body of federal law. Therefore, the Court has no jurisdiction over this aspect of his claim.

[38] I need not go into great detail that the claims disclose no reasonable cause of action. I noted that neither the users of the Turmel Kit nor Hunt have filed claims that contain details of their personal circumstances and personal infringement of their rights. These pleadings are in marked contrast to the pleadings in Allard.

JCT: Guess he forgot the 50 with Sharon Misener who did file claims that contained details of their personal medical circumstances and how dying would be a personal infringement of rights. He keeps dealing with those he tricked with the 3-day deadline but keeps forgetting those who were file and couldn't be tricked. What more could the Allard witnesses have proffered than proof of medical need and dangers suffered?

[39] This Court in its stay decision referred to the "dearth of detail",

JCT: The Court thinks engineering elegance, just enough to Keep It Super Simple is a "dearth of detail." Just doesn't get elegance. Sharon said: I have cancer, my doctor authorized x grams per day. I've been shut down. I need an interim exemption." Judge said that's not enough. Wanted to see her X-rays, maybe give her a feel for those tumors before Doubting Thomas would believe.

J: the vague generalities and hyperbole of the Turmel Kit, and the paucity of information on personal circumstances.

JCT: "I suffer this and my doctor said I had medical need" isn't vague. Only to someone who can't see that well that it's enough.

J: Nothing has changed and no party took advantage of the opportunity provided by the Court to amend and provide further details. It would be unjust to allow amendments at this stage.

JCT: It would be unjust to allow amendments for those who missed his generous 3-days not-informed deadline at this stage? Luckily, 50 Gold Stars already filed their motions with Affidavits of Medical Need before the Big Event. He ducks Sharon's motion for relief by mentioning that no newbies ones took advantage of generous 3-day uninformed offer.

[40] Along the same lines and with respect to the "frivolous, vexatious and abuse of process" argument, the pleadings fail on this ground also.

JCT: A guy who thinks screwing one group with a 3-day deadline while others get 10 and who lets the Crown use email but forces patients to go the expensive paper route thinks Sharon's plea for relief was "frivolous and vexatious." Sure, Sharon was abusing the process and he made sure she got justice in his court. Har har har har har har har har har. Blood on his hands. And a personal friend. I'll never let him

forget Sharon Misener. She's already told her story to the Supreme Court while she was alive. Now I'll get to tell it again now that she's dead.

J: A pleading is frivolous and vexatious if it is argumentative or includes statements that are irrelevant, incomprehensible, or inserted for colour, as if it seeks relief that the Court clearly cannot grant (Simon v Canada, 2011 FCA 6, 197 ACWS (3d) 485).

JCT: Judge Phelan finds pleading for damages are frivolous and vexatious and a whole host of other non-related possibilities.

[41] The pleadings, as noted above, suffer from such a lack of specificity that it is difficult to respond or to regulate the proceedings. Comments in the Turmel Kit are overblown, insulting, and argumentative.

JCT: Remember, this is the judge who didn't believe Sharon's Affidavit that she had cancer even though a doctor had already attested so. It might sound good to say "lack of specificity," but what does that even mean to a guy who can't stay with the simple stuff. He wants specificity that he doesn't need like he wanted to check out Sharon like he didn't need. Sticking his nose in all the wrong places.

[42] The Hunt pleading suffers from allegations and case references of uncertain relevance. Pleading relief such as habeas corpus under s 15 or referencing the "supreme law" is difficult to understand. The claim for exaggerated damages of $1 billion adds nothing to the seriousness of the pleadings. The claims are frivolous and vexatious.
[43] As noted earlier, the Plaintiffs/Applicant seek to re-litigate decided matters. As such, this is an abuse of process.

JCT: What a pain having these clowns polluting our case.

IV. Conclusion

[44] For all these reasons, the motion is granted. The Court will issue an Order that:
a) all of the claims/application listed are struck without leave to amend; and
b) no costs being requested, no costs will be granted. (It is doubtful under the circumstances if the Court would have granted costs.)

JCT: Right. I guess Phelan sending Sharon Misener a bill right after die might smack of bad PR. Guess the gang have a lot more to thank Sharon for than her constant support.

ORDER

THIS COURT ORDERS that:

1. The Defendant/Respondent's motion is granted and all of the claims/application listed are struck without leave to amend; and
2. As no costs are requested, no costs are granted.
"Michael L. Phelan" Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKETS:
STYLE OF CAUSE:
In the matter of numerous filings seeking a declaration pursuant to s 52(1) of the Canadian Charter of Rights and Freedoms

MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO, PURSUANT TO RULE 369 OF THE FEDERAL COURTS RULES

ORDER AND REASONS:
PHELAN J.
DATED:
JANUARY 11, 2017

WRITTEN REPRESENTATIONS BY:
John Turmel
FOR THE PLAINTIFF (T-488-14)

Jon Bricker
FOR THE DEFENDANT

JCT: Okay. So Justice denied. Their unconstitutional legislation made in bad faith did you damage but a judge lets them get away with it. You've all heard of this kind of judicial abuse and now you've lived it for a lousy $2 and it cost them a ton to print most of the paper in your files. You all lose your $2 but get a valuable insight into how lawying works.

My only silver lining is that I'm going to appeal and get it on record before all the courts above of what Justice Phelan did that was not only objectionable but genocidal for some of our Gold Stars. He doesn't spill my friends' blood and get off the the public condemnation hook. I'm can't let this die with her?

No one else needs do anything. I'll keep going. If it should be declared that Phelan had no right to deny the claims for damages, maybe you'll still win something. No matter what, what Phelan did to you will make the annals of judicial history. Don't think the most "remarkable, unprecedented and extraordinary" medpot case in Canadian history can stay buried forever. Especially with the only appeals going on. Sure, the chances are slim but I enjoy exposing judicial failures to their bosses.

I can't imagine the judge got paid enough to do what he did. But he's got Sharon's blood on his hands and I'll enjoy reminding him the rest of our lives.

By the way, I'm serious. If you did get an $800 bill from the Crown, do send them your first $1 payment and mention you're working on the rest.

THIS IS EXHIBIT "52" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN before me by affiant in the City of Brampton, in the Regional Municipality of Peel, in the City of Toronto in the Province of Ontario this 31st day of MAY, 2022 in accordance with O. Reg. 431/20.

A COMMISSIONER FOR TAKING AFFIDAVITS

Federal Court Cour fédérale

MEMORANDUM

Comments

TO: Senior Registry Officer

FROM: The Honourable Mr. Justice Phelan

DATE : January 5, 2015

RE: John C. Turmel v Her Majesty the Queen
(T-488-14)

DIRECTION

A copy of the Plaintiff's Motion Record is to be retained on the Court file but not accepted.

The original is to be returned to Mr. Turmel with the notation that:

> "Pursuant to Justice Phelan's Direction, this motion is not accepted. The action has been stayed pending the decision in *Neil Allard et al v Her Majesty the Queen in Right of Canada*. Further, there is no provision for Summary Judgment Motions in a simplified action."

"Michael L. Phelan"

Judge