Court File No.: T-962-22

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

JOHN C. TURMEL

Respondent

APPLICANT'S RECORD

VOLUME 4 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

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D. Applicant's Memorandum of Fact and Law, dated August 11, 2022 1967

Appendix A – Statutes and Regulations

THIS IS EXHIBIT "53" 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

TO : Appeal Registry

FROM : Justice Dawson

DATE : February 13, 2015

RE : *John C. Turmel v. Her Majesty the Queen*
File No.: N/A

DIRECTION

The Registry is directed not to file the notice of appeal from the direction of Justice Phelan. The content of the direction is procedural in nature and no appeal lies from such a direction (*Aga Khan v. Tajdin*, 2012 FCA 238).

ERD

THIS IS EXHIBIT "54" 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, [2015] S.C.C.A. No. 181

Supreme Court of Canada Rulings on Applications for Leave to Appeal and Other Motions

Supreme Court of Canada

Record created: April 13, 2015.

Record updated: September 24, 2015.

File No.: 36415

[2015] S.C.C.A. No. 181 | [2015] C.S.C.R. no 181

John Turmel v. Her Majesty the Queen

Appeal From:

ON APPEAL FROM THE FEDERAL COURT OF APPEAL

Case Summary

Status:

Application for leave to appeal dismissed without costs (without reasons) September 24, 2015.

Catchwords:

Civil procedure — Case management — Numerous plaintiffs seeking declaration that medical marihuana regulatory regime unconstitutional — Federal Court ordering stay of all actions with exception of one — Applicant attempting to file motion for summary judgment — Federal Court directing Registry not to accept motion for filing — Federal Court of Appeal directing Appeal Registry not to accept applicant's appeal for filing — Whether Aga Khan v. Tajkin, 2012 FCA 238 decision bars appeals of a direction by a prothonotary, not appeals of direction by a judge.

Case Summary:

Since February, 2014, more than 270 unrepresented plaintiffs, including the applicant, have filed almost identical claims in the Federal Court, seeking declarations that Canada's new medical marihuana regulatory regime is unconstitutional. The Federal Court stayed all of these actions pending a final disposition in the one action that had been selected to proceed. In December, 2014, the applicant filed a motion for summary judgment in his case.

Counsel

John Turmel, for the motion.

Jonathan M. Bricker (Department of Justice), contra.

Chronology:

1. Application for leave to appeal:
   FILED: April 13, 2015.

   SUBMITTED TO THE COURT: July 27, 2015.

   DISMISSED WITHOUT COSTS: September 24, 2015 (without

   reasons).

   Before: Abella, Karakatsanis and Côté JJ.

   The application for leave to appeal is dismissed for want of jurisdiction, without costs.

Procedural History:

Judgment at first instance: Direction to Federal Court Registry not to accept applicant's motion record. Federal Court, Phelan J., January 5, 2015. Unreported.

Judgment on appeal: Direction to Federal Court Appeal Registry not to accept applicant's notice of appeal for filing. Federal Court of Appeal, Dawson J.A., February 13, 2015. Unreported.

THIS IS EXHIBIT "55" 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

Applicant

and

HER MAJESTY THE QUEEN

Respondent

RECORD OF MOTION

1. Notice of Motion
2. Applicant's Affidavit
3. Applicant's Written Representations

For the Applicant:
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Email: johnturmel@yahoo.com

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

File No: T-488-14

FEDERAL COURT OF CANADA

BETWEEN:

JOHN C. TURMEL

Plaintiff

and

HER MAJESTY THE QUEEN

Respondent

NOTICE OF MOTION

TAKE NOTICE THAT on _____ 2015 at _____ set by the Trial Coordinator or as soon thereafter as can be heard the Plaintiff's motion by telephone conference call before the Case Management Judge.

THE MOTION SEEKS leave to have the hearing of the Motion for Summary Judgment on the Amended Statement of Claim that was retained in the Registry on Jan 5 2015 expedited.

THE GROUNDS ARE THAT our motion for repeal must be heard in order to end the violation of Right to Life imposed on the Allard group of patients by Federal Court rulings.

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 Oct 23 2015.

J C 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

File No: T-488-14

FEDERAL COURT OF CANADA

BETWEEN:

JOHN C. TURMEL
Appellant

and

HER MAJESTY THE QUEEN
Respondent

NOTICE OF MOTION

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

File No: T-488-14

FEDERAL COURT OF CANADA

BETWEEN:

JOHN C. TURMEL

Plaintiff

and

HER MAJESTY THE QUEEN

Respondent

AFFIDAVIT

I, John Turmel, residing at 50 Brant Ave, Brantford Ontario make oath as follow:

1. With over 300 other self-represented "Turmel Kit" Plaintiffs, I have sought to have the MMAR and MMPR declared invalid by the many constitutional flaws:
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.;

2. We 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.

3. Plaintiffs further raised another 10 concerns with the MMPR regime added to the first 10 in common with the MMAR to have the MMPR condemned:

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)

4. Applicants further sought repeal of prohibition by striking "marijuana" from Schedule II of the CDSA.

5. On Mar 10 2014, our Actions challenging the MMAR and MMPR were stayed pending the decision in Allard v. HMTQ [T-2030-13] challenging only the MMPR on the basis that Plaintiffs are "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 20 MMPR issues raised herein.

6. 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;
or for extension of the MMAR and its associated privileges.

LEFT-OUTS & KNOCKED-OUTS

7. Robert Roy's permits were expiring on Mar 18 2014, the very day of the Allard Injunction hearing and would have suffered no disruption at all if the MMAR were extended. But Justice Manson reserved his decision! So the next day, Robert Roy's permits expired and he became an outlaw for not destroying his grow as he waited for the judge's decision on the extension.

8. On Mar 21 2014, 3 days later, Justice Manson ruled the medically-qualified group had the right not not to be deprived of their medicine while the MMPR was unready and grandfathered everyone's grow permits back to Oct 1 2013. But not their Possess Permits, only those holding currently

valid permits were extended! And a Grow Permit is no good without a Possess Permit! So, by only 3 days, Robert Roy was Left Out of the relief with Stephen Burrows and the other half of the 36,000 exemptees whose permits had expired.

9. And no more amendments to permits, if your Designated Grower dies, your permits die with him.

10. Upon a motion to expand the relief to all, the Federal Court of Appeal sent it back for an explanation of why Manson had granted all in the group Right but then Beemish and Hebert the remedy granted to others. Judge Manson refused to expand the remedy to all nor allow any permit changes in order to protect the commercial viability of the MMPR regime! He had cited the viability of the regime five times in his reasons but the Court of Appeals seems not to have noticed it at all.

11. John Conroy, attorney for Beemish and Hebert, filed an Appeal against the Manson refusal to expand the remedy but did not move for interim expansion of remedy pending the appeal. Then, on April 30 2015, John Conroy discontinued the appeal of the Manson refusal above in order to apply to vary the remedy before an equivalent judge below which Court ruled no power to vary Manson's "carefully-crafted" Order.

150 GRAM ERROR

12. Without our challenge to the 150g limit, Justice Manson, in an interim injunction in Allard, cited actual average medical use of 17.7g/day and yet then imposed a limit based on 5g/day based on survey estimates of 1-3g/day. Using

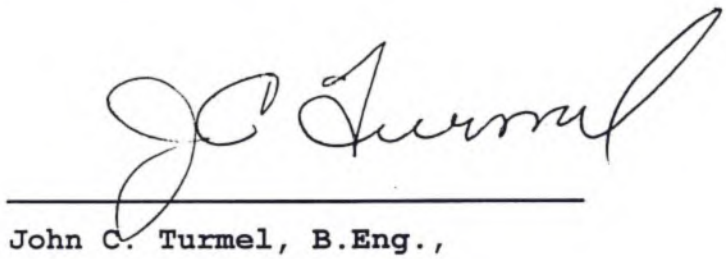
estimates when the variable is known is the height of statistical error. But surveys returning estimates 9 times lower than the known average would be immediately suspect to a real statistician. But not one of the lawyers and judges involved in the Allard hearings have noticed the estimates were way off the known average. A population of patients with a known prescription of 18g/day being subjected to a 5g/day limit are now suffering in intolerable violation of the Right to Life by under-medication. Now that Justice Phelan has ruled he can not vary Manson's limit, only our motion for repeal can right the wrong. The scope of the error is staggering. A doctor who cut everyone's prescription from 18 to 5 would be jailed!!

"DRIED ONLY" SMITH DECISION

13. Both we and the Allards have challenged the prohibition on using anything but dried marijuana. But the Allard Plaintiffs did not seek the declaration to strike marijuana from Schedule II, we did on the grounds that just as the Hitzig "Bad Exemption" [2003] by regulated Mis-Supply meant there was "No Offence" in force since Aug 1 2001 absent an acceptable medical exemption when J.P. was charged; so too, the Smith Worse "Bad Exemption" [2015] by regulated Mis-Use means there was "No Offence" in force since Aug 1 2001 absent an acceptable medical exemption when the Accused herein was charged; this Court is bound by the Ontario Court of Appeal's J.P. precedent to declare that NO OFFENCE was in force while the Smith BAD EXEMPTION existed since Aug. 1 2001, the same as Hitzig, on Terry Parker Day.

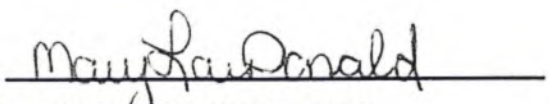
14. When the Allards suddenly added the request to strike the marijuana from Schedule II at the trial, the Crown objected that they had not originally raised the point. But we did. Allowing the hearing of our motion to strike marijuana from the Schedule should be heard.

15. This Affidavit is made in support of a motion for leave to have the hearing of the Motion for Summary Judgment on the Amended Statement of Claim retained in the Registry on Jan 5 2015 expedited.



John C. Turmel, B.Eng.,
50 Brant Ave.,
Brantford, N3T 3G7,
Tel/Fax: 519-753-5122,

Sworn before me at Brantford on Oct. 23 2015



A COMMISSIONER, ETC.

Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.

File No: T-488-14

FEDERAL COURT OF CANADA

BETWEEN:

JOHN C. TURMEL
Appellant

and

HER MAJESTY THE QUEEN
Respondent

PLAINTIFF AFFIDAVIT

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

File No: T-488-14

FEDERAL COURT OF CANADA

BETWEEN:

JOHN C. TURMEL

Plaintiff

and

HER MAJESTY THE QUEEN

Respondent

PLAINTIFF'S WRITTEN REPRESENTATIONS

PART I - STATEMENT OF FACTS

1. With over 300 other self-represented "Turmel Kit" Plaintiffs, I have sought to have the MMAR and MMPR declared invalid by the many constitutional flaws, 10 in common to both MMAR and MMPR regimes, 6 more for the MMAR, 10 more for the MMPR with 4 flaws in common with the Allard Action.

2. We further sought repeal of prohibition by striking "marijuana" from Schedule II of the CDSA while there is no functional exemption in force.

3. On Mar 10 2014, our Actions challenging the MMAR and MMPR were stayed pending the decision in Allard v. HMTQ [T-2030-13] challenging only the MMPR on the basis that Plaintiffs

are "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 20 MMPR issues raised herein.

LEFT-OUTS & KNOCKED-OUTS

4. Robert Roy's permits were expiring on Mar 18 2014, the very day of the Allard Injunction hearing and would have suffered no disruption at all if the MMAR were extended. But Justice Manson reserved his decision! So the next day, Robert Roy's permits expired and he became an outlaw for not destroying his grow as he waited for the judge's decision on the extension.

5. On Mar 21 2014, 3 days later, Justice Manson ruled the medically-qualified group had the right not not to be deprived of their medicine while the MMPR was unready and grandfathered everyone's grow permits back to Oct 1 2013. But not their Possess Permits, only those holding currently valid permits were extended! And a Grow Permit is no good without a Possess Permit! So, by only 3 days, Robert Roy was Left Out of the relief with Stephen Burrows and the other half of the 36,000 exemptees whose permits had expired.

6. And no more amendments to permits, if your Designated Grower dies, your permits die with him.

7. Upon a motion to expand the relief to all, the Federal Court of Appeal sent it back for an explanation of why Manson had granted all in the group Right but then Beemish and Hebert the remedy granted to others. Judge Manson

refused to expand the remedy to all nor allow any permit changes in order to protect the commercial viability of the MMPR regime! He had cited the viability of the regime five times in his reasons but the Court of Appeals seems not to have noticed it at all.

8. John Conroy, attorney for Beemish and Hebert, filed an Appeal against the Manson refusal to expand the remedy but did not move for interim expansion of remedy pending the appeal. Then, on April 30 2015, John Conroy discontinued the appeal of the Manson refusal above in order to apply to vary the remedy before an equivalent judge below which Court ruled no power to vary Manson's "carefully-crafted" Order.

150 GRAM LIMIT ERROR

9. Without our challenge to the 150g limit, Justice Manson, in an interim injunction in Allard, cited actual average medical use of 17.7g/day and yet then imposed a limit based on 5g/day based on survey estimates of 1-3g/day. Using estimates when the variable is known is the height of statistical error. But surveys returning estimates 9 times lower than the known average would be immediately suspect to a real statistician. But not one of the lawyers and judges involved in the Allard hearings have noticed the estimates were way off the known average.

STRIKE "MARIJUANA" FROM SCHEDULE II FOR "DRIED ONLY"

10. Both we and the Allards have challenged the prohibition on using anything but dried marijuana. But the Allard Plaintiffs did not seek the declaration to strike marijuana

from Schedule II, we did on the grounds that just as the Hitzig "Bad Exemption" [2003] by regulated Mis-Supply meant there was "No Offence" in force since Aug 1 2001 absent an acceptable medical exemption when J.P. was charged; so too, the Smith Worse "Bad Exemption" [2015] by regulated Mis-Use means there was "No Offence" in force since Aug 1 2001 absent an acceptable medical exemption when the Accused herein was charged; this Court is bound by the Ontario Court of Appeal's J.P. precedent to declare that NO OFFENCE was in force while the Smith BAD EXEMPTION existed since Aug. 1 2001, the same as Hitzig, on Terry Parker Day.

11. When the Allards suddenly added the request to strike the marijuana from Schedule II at the trial, the Crown objected that they had not originally raised the point.

PART II - ISSUES

12. Should leave be granted for the expedition of the Motion for Summary Judgment?

PART III - ARGUMENTS

150 GRAM LIMIT ERROR

13. A population of patients with a known prescription of 18g/day being subjected to a 5g/day limit are now suffering in intolerable violation of the Right to Life by under-medication. Now that the Court has ruled it cannot vary Manson's limit, only our motion for repeal can right the wrong. The scope of the error is staggering. A doctor who cut everyone's prescription from 18 to 5 would be jailed!!

LEFT-OUTS AND KNOCKED-OUTS

14. Leaving out half the 36,000 self-growers was an unconscionable preference for the viability of the MMPR regime over the viability of the patients. Even the Court of Appeal could not fathom why people granted a right to the remedy were left out of the remedy. But Conroy discontinued the appeal to try to vary the Manson decision below where the Court ruled it had no jurisdiction to vary such carefully-crafted Order.

15. Repeal is now the only available route to end the suffering and death inflicted on this identifiable group of patients by the Federal Court.

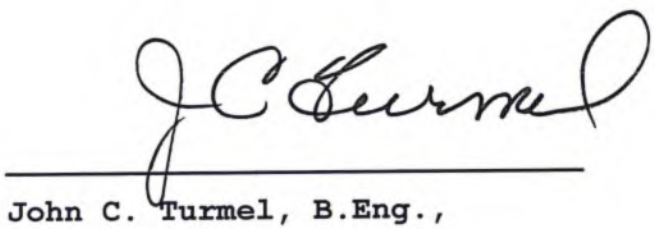
STRIKE "MARIJUANA" FROM SCHEDULE II FOR "DRIED ONLY"

16. The remedy sought by the Allards at the last moment without notice to strike marijuana from Schedule II of the CDSA would be available if our motion is heard.

PART IV - ORDER SOUGHT

18. Plaintiff seeks leave to have the hearing of the Motion for Summary Judgment on the Amended Statement of Claim that was retained in the Registry on Jan 5 2015 expedited.

Dated at Brantford on Oct 23 2015.



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

AUTHORITIES
No Authorities relied on

REGULATIONS CITED
No regulations cited.

File No: T-488-14

FEDERAL COURT

BETWEEN:

JOHN C. TURMEL
Applicant

and

HER MAJESTY THE QUEEN
Respondent

PLAINTIFF'S WRITTEN REPRESENTATIONS

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

THIS IS EXHIBIT "56" 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: 20151106

Docket: T-488-14

Ottawa, Ontario, November 6, 2015

PRESENT: The Honourable Mr. Justice Phelan

BETWEEN:

JOHN C. TURMEL

Plaintiff

and

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

Defendant

ORDER

UPON MOTION by the Plaintiff for leave to lift the Stay Order (May 7, 2014) in respect of his Statement of Claim and to proceed with his Motion for Summary Judgment;

AND UPON the Court having ordered that motions to lift a stay are to proceed by way of Rule 369 motion;

AND UPON CONSIDERING that:

1. section 50(3) of the *Federal Courts Act* gives the Court the discretion to lift a stay;

2. the discretion to lift the stay should take into consideration whether the facts are "substantially different from the facts upon which the original disposition was made" (*Del Zotto v Canada (Minister of National Revenue - MNR)*, [1996] FCJ No 294/*Murphy v Compagnie Amway Canada*, 2014 FCA 136);

3. the Applicant has not shown any substantial change of facts upon which the stay order was made;

4. the *Allard* trial is complete, final submissions were concluded in July and a decision is pending;

5. the Plaintiff is, in effect, attempting to re-litigate the stay order in the face of a pending appeal; and

6. there is no proper basis for lifting the stay of proceedings.

THIS COURT ORDERS that this motion be dismissed with costs payable forthwith of $250.00.

"Michael L. Phelan"
Judge

THIS IS EXHIBIT "57" 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

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

nesday April 27 2016

ter to the Federal Court Administrator
: 416-973-2154

r Sir/Lady:

Crown has requested a motion IN WRITING to dismiss over 300 rmel Kit" Statements of Claim that guarantees to put lesser dsmiths at a disadvantage.

the 2014 motion to stay Plaintiffs' actions could be held in n court with all having the chance to be heard, shouldn't they availed of the same opportunity in a 2016 bid to completely miss their actions? I would request a Direction that the ion to Dismiss be heard in open court where all Plaintiffs may in participate and not adjudicated in writing without that ortunity.

ce this motion does not relate to the claims for personal ages arising out the harms suffered under the unconstitutional R for which only some (50) have served their Affidavit on the endant in Default, it is based on pure technicalities. So, her than have patients all waste their time filing 300 ponses to the one Motion, only I will take the time to respond the Her Majesty's rather obtuse argument that settlement of overlapping issues mootens the non-overlapping ones too. The can all file appeals if their actions for relief on the non-rlapping claims for damages are dismissed because the rlapping issues were won.

mel Kit plaintiffs would be at a disadvantage without Turmel's p but I do not have the emails of all the plaintiffs and in er for me to keep them abreast, I would ask for a Direction t the Crown provide me with the list of emails to go with the resses in the documents. After all, their documentation tained their emails and it was the Crown that chose to exclude t data from their Motion Record.

own Motion for Summary Judgment T-488-14 on remedy A2) is an ividual effort to adjudicate a common claim before any of the tinct personal damages claims be assessed and should be edited. Regardless of the outcome of that relief, the demnation of the MMAR in Allard further supports the remaining -overlapping claims for personal damages once bad faith by lth Canada is established.

ed at Brantford on April 27 2016

_____

THIS IS EXHIBIT "58" 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: $2 damages suit for grow shut-down by unconstitutional MMPR?

8 views

KingofthePaupers May 17, 2016, 11:02:40 AM

to

TURMEL: $2 damages suit for grow shut-down by unconstitutional MMPR?

JCT: There are over 300 "Gold Star" "Turmel-Kit" Plaintiffs in Federal Court who sought a declaration that the MMAR/MMPR were unconstitutional, or if not, permanent constitutional exemptions from the court, and any damages as a result of Health Canada's bad faith.

Now that Allard has won the challenge proving that the MMPR that shut you down was not constitutional, we don't have to any more and I've now tailored the Statement of Claim down from 50 pages with constitutional argument to 5 pages with only claim for damages now that the constitutional declarations are no longer sought!! Already won by Allard.

The Crown is trying to get Justice Phelan to dismiss the Gold Star damages claims arguing we had constitutional claims that were resolved in the Allard decision making them now "moot!" They want to kill your claims for damages because we asked for the same Allard making it moot, they say. Tough sell to a mathematician but an easy sell to a judge looking to shut us down.

Of course, this is silly, but probably persuasive if the Court wants to get rid of us. The Crown wants it done in writing with everyone filing their own paper documents (they asked to email theirs and got it, we asked and are still waiting to find out) and no live hearing. They pulled a live hearing for all in 12 Federal Courtrooms in 10 Provinces by video just for a stay of our actions, now they want dismissal without live hearing? Wonder why.

160 of the 310 Gold Stars had exemptions and can't claim damages of this kind. The other 150 do not and most had previous permits while a few proffered medical evidence and two of us claimed it for its benefits before getting sick. So I really only want the patients with unconstitutionally invalidated for this one.

But the new Statement of Claim has no need of Notice of Constitutional Question, there is none, only damages for bad faith-inspired legislation that harmed them. So the new Statement of Claim is for only people who were shut down by the unconstitutional MMPR and only for the damages they suffered.

The only link to Allard is that it struck down the MMPR. A pure claim for damages from some of the other 18,000 Left-Outs will be hard to knock for any Allard reasons. Which will

make it harder to knock out the current Gold Star claims for damages.

Justice Manson only extended the exemptions of half a year's worth of patients cutting off the other 18,000 from their meds to protect the "viability of the MMPR." On the record. Guilty.

And with those who got knocked off because he wouldn't let them change anything, Designated Grower dies, no more meds, have to move, no more meds. So I'd guess there could be over 20,000 Left-Outs and Amended-Outs by the unconstitutional MMPR.

People still alive on the Allard Injunction can't claim this one. But those claiming damages will be helped. So I'm telling the world about the new kit for the MMPR victims as we start our search for other victims to flood the registry.

Come on, for $2, they get to claim their daily dosage times $14/g times the number of days since their exemption expired and the number of days until they were legal again, plus 90 days to get back up to production.

I get the $14 from the $15 LPs were charging for their primo bud (plus tax) minus the buck it cost you to grow your own.

Take Art Jackes with his 30g/day Authorization, that's $420 a day more he'd have to pay for the same dosage times about 800 days his grow was shut down = $336,000

Now add in equity losses having to tear down and sell his operation for peanuts and it's a nice number.

For a lousy $2, on such a simple and clean issue of damages, we have a chance for the victims to give the bad guys a documentary nightmare.

Here's the claim from the new http://johnturmel.com/mmprsc.pdf or http://johnturmel.com/mmprsc.docx (to set up signatures) about as simple as it can get.

STATEMENT OF CLAIM
(Pursuant to S.48 of the Federal Court Act)

FACTS

1. The Plaintiff claims financial remedy for violations of rights under S. 7 of the Charter for an Order granting damages in the amount of $_____ for loss of patient's marihuana, plants and production site due to legislation declared unconstitutional in Allard v. HMQ enacted in bad faith.

THE PARTIES

2. The Plaintiff brings this claim for financial relief pursuant to S.24(1) of the Charter of Rights and Freedoms as a patient who had established medical need by obtaining an MMAR permit to possess and produce marijuana seeking financial remedy for being ordered shut down by unconstitutional legislation enacted in bad faith.

3. The Defendant, Her Majesty the Queen in Right of Canada, as represented by the Attorney General of Canada, is named as the representative of the Federal Government of Canada and the Minister of Health for Canada who is the Minister responsible for Health Canada and certain aspects of the Controlled Drugs and Substances Act including the Narcotic Control Regulations, the Marihuana Medical Access Regulations and program and the Marihuana for Medical Purposes Regulations and program.

BACKGROUND

4. Under the MMPR legislation, Plaintiff was ordered to
1) shut down his production facility,
2) destroy all saved medicine, and
3) retain exemption by proof of Purchase from Licensed Producer.

5. On Feb 24 2016, the decision in Allard v. HMQ [2016] declared the MMPR Regime entirely unconstitutional, such declaration suspended to Aug 24 2016 before taking effect. The evidence in Allard showed that the MMPR had been enacted based upon testimony about the threat of fires from legal grow-ops when there had been no fires, zero.

6. The evidence further showed how far off the 18 gram/day daily dosage prescribed by Canadian doctors the Health Canada surveys showing 1-3 gram/day average were from reality making it a virtual statistical impossibility to have result in all outliers so far off the true mean.

8. Such unconstitutional legislation enacted on false premises in such bad faith caused the Plaintiff to suffer damages.
RELIEF SOUGHT

9. Plaintiff claims under Charter S.24(1) for losses

Grams destroyed: _____ @$15/gram = $_____
Plants destroyed: ____ @$1,000/plant = $_____
Storage and plant number from ATP

Production site equity lost = $_____
Whatever you lost in your grow-op

Prescription value lost during shut-down
G/d _____ x $14 cost difference x ____ days = $_____
Presuming $1/gram cost of production

Total: = $_____

The Plaintiff proposes this action be tried in the City of _____, Province of _____.

Dated at _____ on _____ 2016.

_____
Plaintiff Signature

JCT: That's it. The new Statement of Claim for only Damages suffered by being shut down by unconstitutional legislation enacted in bad faith.

Having only to prove that the shut-down was the result of perjured testimony over concern for fire danger when there had been no fires showed bad faith. When they lied to hurt you, that's bad faith. When they used distorted survey results to get the 9-times too low estimate upon which the 150-gram limit was based, that's bad faith.

So we need to give the Crown and the Court a jolt. Sure,they're going to know it's coming so there's nothing we can do but start screaming in the cannabis newsgroups that it's time for the victims to fight back by hitting them where it hurts, the pocketbook. Every person who had to move and the unconstitutional MMPR shut down their address change machine, damages. Could be 20,000 possible plaintiffs. So when it starts, it will keep rolling as those who sign on get to teach others. If there was ever a time to move, it's now.

So I'd like to flood the registry with email filings this weekend. We flooded them before and we can flood them again. And if a ton flow in, pretty tough to throw our your damages claims in the back room.

So if you want to help cinch your own damages claims, you have to help find and file other MMPR victims and explain how truly easy it is to file their $2 Federal Court PDF claim online.

Let's go, let's make noise. I hope to hit 100,000 today.

Har har har har har har har har har. The chase for justice is on.

THIS IS EXHIBIT "59" 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 : May 24, 2016

RE: John C. Turmel v Her Majesty the Queen
(T-488-14)

DIRECTION

At this stage Mr. Turmel has not shown that this matter cannot be determined on the basis of a motion in writing.

Mr. Turmel is reminded that he cannot represent or purport to represent other persons (Rule 119). Each Plaintiff is entitled to his own determination of his or her case.

"Michael L. Phelan"

Judge

THIS IS EXHIBIT "60" 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: 20170111

Dockets: See below

Citation: 2017 FC 30

Ottawa, Ontario, January 11, 2017

PRESENT: The Honourable Mr. Justice Phelan

T-485-14	T-486-14	T-487-14	T-488-14	T-513-14	T-516-14	T-517-14
T-518-14	T-523-14	T-529-14	T-530-14	T-531-14	T-532-14	T-538-14
T-539-14	T-540-14	T-543-14	T-545-14	T-546-14	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-578-14	T-579-14	T-581-14	T-582-14	T-584-14	T-585-14
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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
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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-672-14	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-734-14	T-735-14	T-738-14	T-739-14	T-747-14
T-748-14	T-749-14	T-750-14	T-751-14	T-753-14	T-755-14	T-766-14

T-767-14	T-784-14	T-785-14	T-797-14	T-800-14	T-802-14	T-804-14
T-807-14	T-812-14	T-815-14	T-845-14	T-855-14	T-861-14	T-896-14
T-909-14	T-918-14	T-920-14	T-926-14	T-929-14	T-930-14	T-936-14
T-945-14	T-948-14	T-951-14	T-952-14	T-957-14	T-960-14	T-962-14
T-963-14	T-964-14	T-965-14	T-966-14	T-967-14	T-968-14	T-969-14
T-970-14	T-971-14	T-972-14	T-974-14	T-976-14	T-977-14	T-981-14
T-988-14	T-989-14	T-990-14	T-991-14	T-992-14	T-993-14	T-994-14
T-997-14	T-998-14	T-1010-14	T-1011-14	T-1016-14	T-1017-14	T-1018-14
T-1021-14	T-1025-14	T-1031-14	T-1032-14	T-1033-14	T-1038-14	T-1039-14
T-1040-14	T-1041-14	T-1042-14	T-1043-14	T-1044-14	T-1047-14	T-1048-14
T-1049-14	T-1052-14	T-1053-14	T-1054-14	T-1055-14	T-1056-14	T-1058-14
T-1059-14	T-1060-14	T-1063-14	T-1064-14	T-1065-14	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	T-1126-14	T-1129-14	T-1130-14	T-1134-14
T-1135-14	T-1137-14	T-1138-14	T-1143-14	T-1149-14	T-1150-14	T-1152-14
T-1155-14	T-1157-14	T-1164-14	T-1165-14	T-1171-14	T-1179-14	T-1180-14
T-1187-14	T-1191-14	T-1192-14	T-1193-14	T-1196-14	T-1208-14	T-1209-14
T-1213-14	T-1222-14	T-1224-14	T-1225-14	T-1226-14	T-1227-14	T-1228-14
T-1229-14	T-1230-14	T-1231-14	T-1233-14	T-1236-14	T-1238-14	T-1239-14
T-1241-14	T-1242-14	T-1245-14	T-1246-14	T-1247-14	T-1248-14	T-1250-14
T-1251-14	T-1274-14	T-1275-14	T-1283-14	T-1284-14	T-1291-14	T-1365-14
T-1370-14	T-1373-14	T-1377-14	T-1379-14	T-1380-14	T-1381-14	T-1395-14
T-1398-14	T-1405-14	T-1467-14	T-1468-14	T-1469-14	T-1470-14	T-1471-14
T-1485-14	T-1490-14	T-1492-14	T-1524-14	T-1548-14	T-1563-14	T-1593-14
T-1612-14	T-1752-14	T-2272-14	T-2403-14	T-2539-14	T-2623-14	T-251-15

T-800-15 T-978-15 T-998-15 T-1023-15 T-1136-15 T-1490-15 T-1528-15

T-1531-15 T-234-16 T-1111-16 T-1112-16 T-1239-16

BETWEEN:

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

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, 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];

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.

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. 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. 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, the claims requested an order striking "marihuana" from Schedule II of the *Controlled Drugs and Substances Act*, SC 1996, c 19 [CDSA]. In the alternative, the claims seek permanent exemptions from the CDSA for the Plaintiffs' personal medical use of marihuana or, 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.

[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 Ontario's *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 Applicant's 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.

The relief sought in *Allard* was similar, if not identical, to the declarations sought in these proceedings.

[10] Prior to the hearing of *Allard*, Justice Manson granted an injunction which had the effect of preserving the substance of the MMAR for the significant majority of those holding authorizations under that regulation, pending the Court's determination of the constitutionality of the MMPR.

[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.

[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. The Plaintiffs/Applicant were given 10 days to amend the pleadings to address this lack of detail, but none availed themselves of that opportunity.

[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.

Smith addressed some of the issues raised by the Plaintiffs/Applicant.

[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. 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. The potential for a new regime eliminated any need to suspend CDSA provisions. The Manson injunction continued during this six-month period.

The Defendant has advised that 162 of the Plaintiffs/Applicant met the criteria of the *Allard* decision and were entitled to its benefits.

[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.

[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. He also appeared to have abandoned his claim for damages.

[18] On this motion only Turmel (in Court File T-488-14) sought to challenge the motion. 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, 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.

[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.

[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.

[21] Therefore, the Court concludes that this matter should be disposed of on the written record.

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.

Firstly, a court determines whether a decision will have no practical effect, and is therefore moot. Secondly, the court must consider whether, despite being moot, there are good reasons to hear and determine the case.

[23] In these cases the requests for declaratory relief are moot. The MMAR has long been repealed. The MMPR was declared invalid, and it has now been repealed and replaced by the ACMPR.

[24] The lis or interference with constitutional rights under the MMAR and MMPR has ended with the introduction of the ACMPR. Any declaration would have no practical effect on the Plaintiffs/Applicant. (The issue of damages is dealt with separately later.)

C. *Discretion*

[25] There are several good reasons why the Court should not exercise its discretion to continue to adjudicate these matters:

a) there is nothing to adjudicate: the substrata of the lis has disappeared completely with the introduction of the ACMPR;

b) judicial economy militates against expenditure of judicial resources on a theoretical claim; and

c) the role of a court is to adjudicate, not to make general statements at large on legal issues.

[26] No party other than Turmel seems to be interested in litigating the issues. Even Turmel seems to recognize that the matters are moot and there is nothing on which to give a useful declaration.

[27] There is no regulation to attack and therefore nothing useful to declare. 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.

[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. Before working out the logistics, the Court must be able to conclude that something legally useful might be attained. However, here there are no issues which can usefully be resolved in terms of present or future proceedings. Any problems with the new regime should be handled directly in claims under or against the ACMPR.

[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. The adjudicature culminated in the *Allard* decision.

[30] Therefore, these proceedings are moot and there is no good reason to allow the actions/application to continue. 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.

D. *Other Grounds*

[31] With respect to the requests to have certain provisions of the CDSA struck down, 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. The issue was sufficiently addressed in *Allard* to constitute *stare decisis*. While another judge of this Court could theoretically reach a different conclusion, judicial comity favours consistency in results. There is no good reason to revisit the issue.

[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.

[33] As held in *Quebec (Commission des droits de la personne et des droits de la jeunesse) v Communauté urbaine de Montréal*, 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.

[34] The subject pleadings contain insufficient, if any, particulars of bad faith or abuse of process.

[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*.

[39] This Court in its stay decision referred to the "dearth of detail", the vague generalities and hyperbole of the Turmel Kit, and the paucity of information on personal circumstances. 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.

[40] Along the same lines and with respect to the "frivolous, vexatious and abuse of process" argument, the pleadings fail on this ground also. 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).

[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.

[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.

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.)

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:	Various
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

SOLICITORS OF RECORD:

William F. Pentney Deputy Attorney General of Canada Toronto, Ontario	FOR THE DEFENDANT

THIS IS EXHIBIT "61" 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 "62" 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: _____

FEDERAL COURT OF APPEAL

BETWEEN:

JOHN C. TURMEL

Applicant

and

HER MAJESTY THE QUEEN

Respondent

RECORD OF MOTION TO EXTEND TIME

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

For the Respondent
Attorney General for Canada
3400-130 King St. W, Toronto.

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2. Applicant's Affidavit
3. Applicant's Written Representations

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FEDERAL COURT OF APPEAL

BETWEEN:

JOHN C. TURMEL

Applicant

and

HER MAJESTY THE QUEEN

Respondent

NOTICE OF MOTION

TAKE NOTICE THAT the Applicant applies in writing under Rule 369 for an Order extending the time to file a Notice of Appeal against the Jan 11 2017 Judgment of Federal Court Justice Phelan for 7 days from the date of such Order.

THE GROUNDS ARE THAT the courier was prevented from reaching the Toronto Courthouse by the Feb 10 2017 snow-storm and that the Respondent has suffered no prejudice.

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 Feb 14 2017.

J C Turmel

_____

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

TO: Registrar of this Court
Attorney General for Canada

File No: _____

FEDERAL COURT OF APPEAL

BETWEEN:

John C. Turmel
Applicant

and

Her Majesty The Queen
Respondent

NOTICE OF MOTION

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

File No: _____

FEDERAL COURT OF APPEAL

BETWEEN:

JOHN C. TURMEL

Applicant

and

HER MAJESTY THE QUEEN

Respondent

APPLICANT'S AFFIDAVIT

I, John C. Turmel, residing at 50 Brant Ave in Brantford Ontario make oath as follows:

1. On Jan 10 2017, my courier was delivering my Notice of Appeal but got stopped on Hwy 403 by a snow-storm.
2. A fews day of delay should not prejudice the Respondent in any way.
3. This Affidavit is made in support of an application to extend the time to serve and file a Notice of Appeal for 7 days from the date of any Order extending time.

J C Turmel

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

Sworn before me at Brantford on Feb 13 2017.

MaryLouDonald

A COMMISSIONER, ETC.

Mary Louise Donald, a Commissioner, etc.,
County of Brant, for the Government of Ontario,
Ministry of the Attorney General.

File No: _____

FEDERAL COURT OF APPEAL

BETWEEN:

John C. Turmel
Applicant

and

Her Majesty The Queen
Respondent

APPLICANT'S AFFIDAVIT

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

File No: _____

FEDERAL COURT OF APPEAL

BETWEEN:

JOHN C. TURMEL

Applicant

and

HER MAJESTY THE QUEEN

Respondent

APPLICANT'S WRITTEN REPRESENTATIONS

PART I - FACTS

1. On Jan 10 2017, my courier was delivering my Notice of Appeal but got stopped on Hwy 403 by a snow-storm.

PART II - ISSUE

2. Should an extension of time be granted?

PART III - ARGUMENT

3. A few day of delay in service of the Notice of Appeal due to a snow-storm should not prejudice the Respondent in any way.

PART IV - ORDER SOUGHT

4. Applicant seeks an Order extending the time to file a Notice of Appeal against the Jan 11 2017 Judgment of Federal Court Justice Phelan for 7 days from the date of such Order.

Dated at Brantford on Feb 14 2017.

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

File No: _____

FEDERAL COURT OF APPEAL

BETWEEN:

John C. Turmel
Applicant

and

Her Majesty The Queen
Respondent

APPLICANT'S WRITTEN REPRESENTATIONS

For the Applicant:
John C. Turmel, B.Eng.,
50 Brant Ave.,
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FEDERAL COURT OF APPEAL

BETWEEN:

John C. Turmel
Applicant

and

Her Majesty The Queen
Respondent

RECORD OF MOTION

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

THIS IS EXHIBIT "63" 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: 20170301

Docket: 17-A-5

Ottawa, Ontario, March 1, 2017

Present: RENNIE J.A.

BETWEEN:

JOHN C. TURMEL

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON motion made in writing by the applicant for an extension of time to file a Notice of Appeal from a decision of Justice Phelan of the Federal Court dated January 11, 2017;

AND UPON reviewing the affidavit filed by the applicant and noting that the respondent takes no position on the motion;

AND UPON noting that the test applicable to such a motion is well established. It has consistently been applied in numerous decisions of the Court, including *Pharmascience Inc. v. Canada (Minister of Health)*, 2003 FCA 333 at paragraph 6;

AND UPON determining that the Court is not satisfied that the applicant meets the criteria of establishing an arguable case on the merits, indeed, the applicant has made no effort to establish the existence of an arguable case; the Court is not satisfied that it is in the interests of justice that the requested extension be granted;

THIS COURT ORDERS that the motion is dismissed.

"Donald J. Rennie"
J.A.

THIS IS EXHIBIT "64" 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: 20141230

Docket: T-2030-13

Citation: 2014 FC 1260

Vancouver, British Columbia, December 30, 2014

PRESENT: The Honourable Mr. Justice Manson

BETWEEN:

NEIL ALLARD
TANYA BEEMISH
DAVID HEBERT
SHAWN DAVEY

Applicants/Plaintiffs

and

HER MAJESTY THE QUEEN
IN RIGHT OF CANADA

Respondent/Defendant

AMENDED ORDER AND REASONS FOR ORDER

UPON having regard to the Federal Court of Appeal's decision dated December 15, 2014, wherein it was held at paras. 20, 21 and 23:

> "...although he (the judge) 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...I am unable to understand whether the judge intended to exclude Ms. Beemish and Mr. Hebert or simply forgot to deal with their

> situation…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…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."

AND UPON considering the written representations of the parties dated December 22, 23 and 24, 2014;

THIS COURT ORDERS that:

[1] The Plaintiffs request a reconsideration of my decision of March 31, 2014, to:

(i) order that all patients that held a valid Authorization to Possess (ATP) on March 21, 2013 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 the 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 Marijuana Medical Access Regulations (MMAR) licensing regime no longer being in force.

[6] Given that Ms. Beemish did not possess a valid license to possess on March 21, 2014 (the license having expired on January 4, 2014) and that Mr. Hebert could no longer renew his designated production license (having moved residence on October 30, 2013) neither Ms. Beemish nor Mr. Hebert were covered by the injunctive relief granted. The fact that they did not possess valid licenses as of the transitional dates was determinative of their inability to be covered by the injunctive remedy granted.

"Michael D. Manson"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	T-2030-13
STYLE OF CAUSE:	NEIL ALLARD ET AL v. HER MAJESTY THE QUEEN IN RIGHT OF CANADA
REASONS FOR ORDER AND ORDER:	MANSON J.
DATED:	DECEMBER 30, 2014

SOLICITORS OF RECORD:

Conroy & Company Barristers and Solicitors Abbotsford, British Columbia	FOR THE APPLICANTS
William F. Pentney Deputy Attorney General of Canada Vancouver, British Columbia	FOR THE RESPONDENT

THIS IS EXHIBIT "65" 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: Manson victims should file for appeals

3 views

KingofthePaupers Mar 1, 2015, 11:00:44 AM

to

TURMEL: Manson victims should file for appeals

JCT: Every Left-Out needing their possess permit grandfathered with their grow permit and every ATP needing an amendment can have it on a judge's desk in days.

You've all done the kits before. But I'm going to keep things easy by always starting at the http://johnturmel.com/kits page.

There you'll link to http://johnturmel.com/amend with the actual link to the kits and instructions.

ACTUAL INSTRUCTIONS:

This is for people who are affected by the Dec 30 2014 Order of Justice Manson and want their possess permit grandfathered with their grow permit or to amendment their ATP.
http://johnturmel.com/amendpermits.docx or http://johnturmel.com/amendpermits.pdf are the templates you use.

You only add personal information to the Affidavit. Everything else is just entering ID and the odd signature.

So amend the forms to suit your info.

Print out 5 copies, 1 for Crown, 3 for Court, 1 for you.

Sign the 5 Notices and Memorandums, not the Affidavit.

Go down to the FCC-FCA Registry where a clerk will swear your affidavit.

All 5 copies if there is time, otherwise, make copies of that "commissioned" page and insert them into other kits.

Go deliver one kit to your local Ministry of Justice Crown office where they'll stamp on the back of one copy that they "accept service."

File that copy with proof of service on the back and 2 more at the Registry. Get your copy certified.

Pay the $20 and then wait to get the judge's decision.

Do print up some blank kits to pass out to friends and victims.

THIS IS EXHIBIT "65" 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 day of MAY, 2022 in accordance with O. Reg. 431/20.

_____

A COMMISSIONER FOR TAKING AFFIDAVITS

THIS IS EXHIBIT "66" 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: _____

FEDERAL COURT OF APPEAL

BETWEEN:

_____

Applicant

and

HER MAJESTY THE QUEEN

Respondent

RECORD OF MOTION

1. Notice of Motion.....(2)
2. Applicant's Affidavit.....(5)
3. Applicant's Memorandum.....(8)

For the Applicant:

Name: _____
Address: _____
_____
Tel/fax: _____
Email: _____

For the Respondent:
Attorney General for Canada
Address: _____

File No: _____

FEDERAL COURT OF APPEAL

BETWEEN:

_____

Applicant

and

HER MAJESTY THE QUEEN

Respondent

NOTICE OF MOTION

TAKE NOTICE of the Applicant's motion in writing filed at the Federal Court of Appeal.

THE MOTION SEEKS an Order that:
1) extends the time to file a Notice of Appeal by a class member affected by Dec 30 2014 Amended Order of Federal Court Justice Manson;
2) Applicant's MMAR permits be deemed amended in the interim pursuant to changes described in Applicant's Affidavit;
3) Applicant's possession and shipping limit be capped as before at 30 times Applicant's personal daily dosage.

THE GROUNDS are that
1) Applicant in the class of patients affected by the Manson Order needs remedy for issues left unaddressed;

2) an Order deeming possess permits to be grandfathered with their grow permits or deeming valid permit changes for new data may easily be rescinded if necessary and is the only instant remedy available at the moment;
3) Justice Manson's 5 gram x 30 days = 150 gram possession cap is based on Health Canada's estimated 1-3 grams/day average though his ruling noted the actual prescribed average daily dosage they were attempting to estimate was 18 grams per day! 30 times Applicant's prescription would seem the more logical limit to impose.

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

Dated at _____ on _____ 2015.

_____
Applicant's Signature:

Name: _____
Address: _____
_____
Tel/fax: _____
Email: _____

TO: Registrar of this Court
Attorney General for Canada

FEDERAL COURT OF APPEAL

BETWEEN:

_____

Applicant

and

HER MAJESTY THE QUEEN

Respondent

NOTICE OF MOTION

For the Applicant

File No: _____

FEDERAL COURT OF APPEAL

BETWEEN:

_____

Applicant

and

HER MAJESTY THE QUEEN

Respondent

APPLICANT'S AFFIDAVIT

I, _____, residing at

_____ make oath as follows:

1. #_____ is the Health Canada number of my MMAR permits that authorized me to possess and produce medical marijuana and am therefore in the class of patients affected by the Orders of Justice Manson in Allard et al v. HMQ [T-2030-13].

2. I am in the very same situation as Allard Appellant:

A: (___) Tanya Beemish in that I have a grandfathered Produce Permit but a lapsed Possession Permit;

B: (___) David Hebert in that failure to allow amending my permits denies me access to my medicine and I need my Authorization To Possess to be deemed changed as follows:

_____

_____

_____

_____

3. I only ask the Court to provide me with an Interim Order deeming both my permits amended to Oct 1 2013 and/or deeming the permit changes to be effected. I don't even need Health Canada to amend my permits. A court Order I can show an officer authorizing any change should well suffice.

_____

Name: _____

Sworn before me at _____ on _____2015.

_____

A COMMISSIONER, ETC.

FEDERAL COURT OF APPEAL

BETWEEN:

_____

Applicant

and

HER MAJESTY THE QUEEN

Respondent

APPLICANT'S AFFIDAVIT

For the Applicant

File No: _____

FEDERAL COURT OF APPEAL

BETWEEN:

_____

Applicant

and

HER MAJESTY THE QUEEN

Respondent

APPLICANT'S MEMORANDUM

PART I - STATEMENT OF FACTS

1. Applicant is an authorized medical marijuana patient in the class of 36,000 Exemptees Authorized to Possess marijuana affected by the Mar 21 2014 and Dec 30 2014 Orders of Manson J. in Allard v. HMQ that were carefully crafted to protect the viability of the Exemption regimes rather than the patients. Applicant moves for an extension of time to appeal and for interim remedy deeming the Authorizations to Possess and/or Produce amended to reflect the necessary changes detailed in Applicant's Affidavit.

2. On Oct 1 2013, with the stated aim of shutting down self-grows, Health Canada instituted the MMPR and no longer accepted applications for ATPs under the MMAR which would be repealed on April 1 2014. Patients whose exemptions expired in the half-year before April 1 2014 could only remain legal by destroying all they had previously-grown and certainly cannot providing proof of purchase from one of only 6

Licensed Producers at the time. With very onerous security, packaging, labeling regulations, after a year, only 13 of the 1,000 applicants overcame the mountain of red tape to be approved will not be able to provide the last monthly prescribed dosage of 15,000Kg as of the end of 2013.

3. 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.

4. Exemptee Stephen Burrows had cut his tumor in half with cannabis oil before his permits expired in January. Unable to afford the MMPR, he shut down and went outlaw with the rest of his stash hoping, like the others, he'd get his permits grandfathered back at the Allard hearing.

5. 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. Luckily, he wasn't raided.

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 grandfathered everyone's grow permits back to Oct 1 2013 but not their Possess Permits without which a Grow Permit is no good! Only those holding currently valid permits were extended and, by only 3 days, Robert Roy was Left Out of the relief with Stephen Burrows and the other half of the 36,000 exemptees whose permits had expired in that half year. 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.

7. 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.

8. 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.

9. 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.**

10. 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.

11. 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.

[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."

12. 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.

13. 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 absolute 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.

14. On Jan 16, Conroy finally filed an appeal of Manson J.'s Dec 30 2014 Amended Order but 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 is not on Conroy's agenda.

15. On April 30 2015, John Conroy discontinued the appeal to the Court of Appeal with jurisdiction to expand relief 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.

16.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.

PART II - ISSUES IN QUESTION

17. The learned judge erred in:
1) making non-medical reasons determinative of medical need in a balance of convenience between the viability of the MMPR and the viability of the patients;
2) failing to consider high-dosage patients in imposing the 150 gram possession limit.

PART III - ARGUMENTS

1) NON-MEDICAL REASONS DETERMINATIVE OF MEDICAL NEED

a) Medical need determined by expiry dates

18. Though it was clear Justice Manson ordered expiry dates and permit changes to be made determinative of sufficient medical need to merit Charter Relief, the Court of Appeal couldn't to speculate as to his intention in granting the Right to Life for all but not granting a remedy to Left-Out Beemish and Changed-Out Hebert. But rather than expand the remedy themselves, the Court of Appeal sent it back below to find out if the judge had simply forgotten to grant half of

Canada's medicinal marijuana patients access to their medicine or whether he intended leaving them without any Charter remedy for their Charter Right to Life.

19. Justice Manson refused to reconsider grandfathering Possess Permits for all patients with grandfathered Grow Permits nor permitting any permit changes. The Court of Appeal had failed to consider the need to "avoid unduly impacting on the viability of the MMPR and to take into consideration the practical implications of the MMAR regime no longer being in force."

20. How would grand-fathering all possess permits with all grand-fathered grow permits or amending current permits be unduly impacting on the viability of the MMPR? What are the implications of extending the MMAR for amendments as well as for permits that are so inconveniently impractical?

21. Without making expiry dates determinative of medical need, the court would have had to cut everyone off which would have eliminated unduly impacting on the viability of the MMPR most completely. Though anguish and suffering may go unnoticed, loss of patient "viability" might be too large to be ignored.

22. Making expiry dates determinative of medical need offered the excuse to cut at least some patients off by distinguishing between those with still-valid ATPs whose medical need the Court had to acknowledge and those who failed to renew whose medical need the Court no longer had to acknowledge. Without such a non-medical criterium being

applied, there would be no "Some get their prescribed medication and others do not!" All would or all would not.

23. The judge did not consider why half the 36,000 Exemptees failed to renew their cherished permits, that Health Canada's Destroy-To-Renew Order and the prohibitive cost of the replacement commercial product had coerced them into outlawry with their unchanged medical need tided over while awaiting court developments by their now-illegal stock. Could the Court really believe that upon Health Canada's command, half the 36,000 patients who did not renew had been miraculously healed, Halleluiah, and now no longer needed any supply? that it was now safe and just to cut off 18,000 of Canada's sickest qualified patients permanently from any re-supply?

24. Robert Roy's ATP expired on Mar 18 2014, the very day of the Allard hearing. Had Judge Manson ruled that day, Roy's ATP would have been extended! But the judge taking only 3 days to write his decision resulted in Robert Roy no longer being deemed medically needy! Had the judge not taken the extra time, Robert Roy would still be exempted! Roy was Left Out with no more access nor continuing supply due wholly to Judge Manson's unfortunate 3-day delay.

25. It is submitted Robert Roy had as much a valid medical need on the day after as on the day of the hearing! There was no Halleluiah moment! Though indirectly preventing resumption of Robert Roy's re-supply may seem less damnable than directly cutting off his supply, the end result is the same.

26. Stephen Burrows cut his tumor in half but having been Left Out, may no longer lawfully continue his treatment. His access wasn't cut off, he was just coerced to stop growing and then not allowed to resume. David Shea succumbed to his cancer while his action for exemption was stayed below. There is the probability more of the thousands of patients who were deprived of access to their prescribed medication have similarly perished or suffered irreparable harm in silent anonymity.

27. But just how much is the viability of the program actually unduly impacted by a mere 36,000 self-producers among millions of potential cannabis users in Canada? That's 1% or 2% of the MMPR market at most. It wasn't worth the sacrifice to deprive 18,000 patients of their supply for hardly any extra viability of the MMPR.

b) Medical need determined by permit changes

28. The Court of Appeal ordered that the repeal of the MMAR with no infrastructure remaining to amend Hebert's permit be addressed. Justice Manson refused to reconsider his ruling explaining that the practical implications of a repealed MMAR precluded amending old permits. If a patient's moves, his permit can't. If his Designated Grower dies, his exemption dies with him. Again, there are no reasons why amending permits should occasion a change in medical need nor present Health Canada with so insurmountable practical implications that it is more convenient to deprive the patients of their permits.

29. Just what are the practical implications of extending the Health Canada MMAR Amendments Bureau while laying off the rest of the staff? Retaining some staff to process the odd permit change seems a bureaucratic mole-hill rather than the mountain of red-tape the court deemed too much of an inconvenience for Health Canada to surmount compared to the simply depriving the patients of permits for their medicinal supply. Besides, the Ministry of Transport updates permits in real time.

30 Making non-medical reasons like expiry dates and permit changes determinative of medical need allows some patients to be deprived. Since they couldn't deprive all patients to cause a complete catastrophe, expiry dates allowed a partial catastrophe that cut out the maximum number of past patients while no permit changes continues the catastrophe that cuts out the maximum number of patients from now on. Not all are cut off from their medication, only as many as possible!

31. Having a treatment determined by the state of one's permit and not on the state of one's health is not a medical decision though it has the same effect as if the doctor had cut off their prescriptions. Since the dictionary defines "viable: capable of living; Viability: capacity to live, it would seem that rather than the viability of the MMPR program, the viability of the patient should have been the court's major concern.

2) 150-GRAM CAP FAILS TO CONSIDER HIGH-DOSAGE PATIENTS

32. Given my current prescription, the 150-gram possession

limit too severely limits me in my life. How then can Exemptee Michael Pearce prescribed 260 grams/day "live" with the 150-gram possession cap? Having no highly dosed patients among the Allard Plaintiffs meant no one has been hurt enough by that limit to raise the plea for immediate relief.

33. The 150-gram cap has no bearing on market viability of the MMPR nor any practical implications; it only bears on the increased inconvenience of the patients!

34. And though Justice Manson based his 150-gram possession monthly cap on Health Canada's estimated average use of 1-3 grams per day, in the same decision Justice Manson cites an actual average prescribed dosage of 17.7 grams/day. A 540 gram cap might be the more accurate average number.

35. If the Allard Action is dismissed on Feb 23 2015 with the interim Order, it could leave everyone cut off. Applicant seeks expeditious relief from the Court of Appeal lest the worst happen below.

36. Mr. Conroy and the courts have left the many thousands of those of us condemned to the pain and death of the Manson Order no recourse but to appeal ourselves for the remedy Conroy discontinued seeking for us. We remain stalled without medicine by the Allard case that seeks nothing that can help with our need for amendments. And though we are directly affected by the Allard Orders, Conroy sabotaged our only route to this Court with jurisdiction to grant the remedy sought.

PART IV - ORDER SOUGHT

37. Applicant seeks an Order that:

1) extends the time to file a Notice of Appeal by a class member affected by Dec 30 2014 Amended Order of Federal Court Justice Manson;

2) Applicant's MMAR permits be deemed amended in the interim pursuant to changes described in Applicant's Affidavit;

3) Applicant's possession and shipping limit be capped as before at 30 times Applicant's personal daily dosage.

Dated at _____ on _____ 2015.

_____

Applicant's Signature:

Name: _____

Address: _____

_____

Tel/fax: _____

Email: _____

AUTHORITIES

No Authorities relied on

REGULATIONS CITED

No regulations cited.

FEDERAL COURT OF APPEAL

BETWEEN:

_____

Applicant

and

HER MAJESTY THE QUEEN

Respondent

APPLICANT'S MEMORANDUM

For the Applicant

File No: _____

FEDERAL COURT OF APPEAL

BETWEEN:

_____

Applicant

and

HER MAJESTY THE QUEEN

Respondent

RECORD OF MOTION

For the Applicant:

Name: _____

Address: _____

_____

Tel/fax: _____

Email: _____

THIS IS EXHIBIT "67" 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: Magnificent 7 Manson victims filing tomorrow, maybe more

3 views

KingofthePaupers Mar 1, 2015, 7:14:49 PM

to

TURMEL: Magnificent 7 Manson victims filing tomorrow, maybe more

JCT: Looks like 3 people filing for amendments out in BC.
One is a lady in a wheel-chair who can't tend her 171-plants for her 35-gm/day prescription any more and needs to have a buddy assigned D.G. Guess her prescription may lapse proving she isn't sick enough to need it because she's too sick to grow it herself any longer!

Another is a fellow who had to move, couldn't amend his ATP and got busted at his new place.

We had one in Niagara Falls in the same situation but he had lawyers who reassured him getting his ATP amended to make him legal where he was busted wouldn't help his case so he's not trying! Har har har.

We have one in Ontario who moved from Alberta and needs a new address, simple.

And we have Robert and Stevie in Nova Scotia who have been Left Out even if it seems they're the only ones wanting back in. This is a brand new move! While Gold Stars are stalled below, a track has opened above.

So, 3 in Vancouver, 2 in Toronto and 2 in NS are committed, that's seven though there are many more who want amendments, who know how easy getting your request on the judge's desk really is, so I don't get why more aren't getting ready? The more in, the less likely it's dismissed peremptorily.
Anyway, another Magnificent Seven leading the charge about to go.

Of course, there's no deadline so you can file any time.

Anyway, I'm helping all the above so if anyone else wants in on amending their ATPs, I'm up all night. Takes me 30 minutes including punching up your info in the affidavit.

Finally, for newbie filers, remember the Open Sesame Magic Words you can point at in your Notice!

Should Her Majesty The Clerk find anything at all amiss, a professional lawyer would have to redo it.

But, in case, I include a "please fix anything wrong, Your Honor" clause in advance in all my motions. Which puts the issue of any problem to the judge, not HMTC. Just say: Send it for Directions! and the clerk has to because you have a

motion asking for the fix in advance to the Judge!! This has worked to get a file on the judge's desk forever but only amateurs can pre-plan for error, not pros. The killer quote:

"It's not your decision, send it to a judge for Direction!"

THIS IS EXHIBIT "68" 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

Amend their Permits in Vancouver today.

I don't know all the particulars, whether there are some wanting to grandfather their possess permit with their grow permit or wanting changes on their permits but 5 got filed with no glitches in the http://johnturmel.com/amend kits.

The Crown now has 10 days until Mar 12 to Respond then we have 4 days until Mar 16 to Reply then it hits the judge's desk. (Let it be one of the 3 judges who sent it back to Manson!!)

So we've now got 2 weeks to get as many of Manson's Victims sacrificed on the altar of MMPR viability on his desk as we can! It's a lousy $20 to ask (with possible costs if he says

Fed Court Amend MMAR permits Appeal Kit Instructions

This is for people who are affected by the Dec 30 2014 Order of Justice Manson not grandfathering some patients' possess with their grow

THIS IS EXHIBIT "69" 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: 15-A-11

FEDERAL COURT OF APPEAL

BETWEEN:

Catherine Peever

and

HER MAJESTY THE QUEEN

Respondent

RECORD OF MOTION

1. Notice of Motion
2. Applicant's Affidavit
3. Applicant's Memorandum

For the Applicant:

Name: Catherine Peever
Address: 713 - 70 Esther Lorrie Drive
Etobicoke, ON M9W 4V1
Tel/fax: 416-744-1719
Email: cat.peever@gmail.com

For the Respondent:

For the Respondent:
Attorney General for Canada
Address: 130 King Street West, Suite 3400

File No: _____

FEDERAL COURT OF APPEAL

BETWEEN:

Catherine Peever

Applicant

and

HER MAJESTY THE QUEEN

Respondent

NOTICE OF MOTION

TAKE NOTICE of the Applicant's motion in writing filed at the Federal Court of Appeal.

THE MOTION SEEKS an Order that:

1) the time be extended to file a Notice of Appeal by a class member affected by Dec 30 2014 Amended Order of Federal Court Justice Manson;
2) Applicant's MMAR permits be deemed amended in the interim pursuant to changes described in Applicant's Affidavit;
3) Applicant's possession and shipping limit be returned to 30 times Applicant's personal daily dosage.

THE GROUNDS are that

1) Applicant in the affected class needs remedy for issues left unaddressed;

2) deeming possess permits to be grandfathered with their grow permits or deeming valid permit changes for new data may easily be rescinded if necessary and is the only instant remedy available at the moment;
3) Justice Manson's 5 gram x 30 days = 150 gram possession cap is based on Health Canada's estimated 1-3 grams/day average though his ruling noted the actual prescribed average daily dosage they were attempting to estimate was 17.7 grams per day! 30 times Applicant's prescription would seem the more logical limit to impose.

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

Dated at Toronto on 5 March 2015.

Applicant's Signature:

Name: Catherine Peever
Address: 713 70 Esther Lorrie Drive
Etobicoke, ON M9W 4V1
Tel/fax: 416-744-1719
Email: cat.peever@gmail.com

TO: Registrar of this Court
Attorney General for Canada

FEDERAL COURT OF APPEAL

BETWEEN:

Catherine Peever
Applicant

and

HER MAJESTY THE QUEEN
Respondent

NOTICE OF MOTION

For the Applicant

File No: _____

FEDERAL COURT OF APPEAL

BETWEEN:

Catherine Peever

Applicant

and

HER MAJESTY THE QUEEN

Respondent

APPLICANT'S AFFIDAVIT

I, _____ Catherine Peever _____, residing at

713 - 70 Esther Lorrie Drive, make oath as follows:

1. #APPL-CEP-05-PO7191005-61-13-A is the Health Canada number of my MMAR permits authorizing me to possess and produce medical marijuana and am therefore in the class of patients affected by the Orders of Justice Manson in Allard et al v. HMQ [T-2030-13].

2. I am in the very same situation as Allard Appellant:

A: (___) Tanya Beemish in that I have a grandfathered Produce Permit but a lapsed Possession Permit;

B: (X) David Hebert in that failure to allow amending my permits denies me access to my medicine. I need my Authorization To Possess to be deemed changed as follows:

I need to have both my Authorization to Possess and my Personal Use Production license address to be changed to reflect my current address:

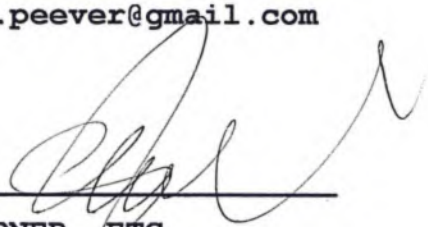
713 - 70 Esther Lorrie Drive, Etobicoke, ON M9W 4T9

---

3. I only ask the Court to provide me with an Interim Order deeming both my permits amended to Oct 1 2013 and/or deeming the permit changes to be effected. I don't even need Health Canada to amend my permits. A court Order I can show an officer authorizing any change should well suffice.

Sworn before me at Toronto, ON on March 5, 2015.

Name: Catherine Peever
Address: 713 - 70 Esther Lorrie Drive
Etobicoke, ON M9W 4V1
Tel/fax: 416-744-1719
Email: cat.peever@gmail.com



A COMMISSIONER, ETC.

ANIL KAMAL
REGISTRY OFFICER
AGENT DU GREFFE

FEDERAL COURT OF APPEAL

BETWEEN:

Catherine Peever
Applicant

and

HER MAJESTY THE QUEEN
Respondent

APPLICANT'S AFFIDAVIT

For the Applicant

File No: _____

FEDERAL COURT OF APPEAL

BETWEEN:

Catherine Peever

Applicant

and

HER MAJESTY THE QUEEN

Respondent

APPLICANT'S MEMORANDUM

PART I - STATEMENT OF FACTS

1. Applicant is an authorized medical marijuana patient in the class affected by the Allard v. HMQ motion below and moves for an extension of time to appeal the Dec 30 2014 decision of Manson J. and for an interim remedy deeming the Authorization to Possess and Produce permits be amended to reflect the necessary changes described in Applicant's Affidavit.

MMAR HISTORY

2. On Oct 1 2013, Health Canada instituted the MMPR and no longer accepted applications for ATPs under the MMAR which would be repealed on April 1 2014. Patients whose exemptions expired in the half-year before April 1 2014 could only remain legal by destroying all they had previously-grown and stocked

and providing proof of purchase from one of only 6 Licensed Producers at the time. 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. 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 many patients have since been busted for continuing their prescribed treatment.

3. Mar 18 2014, the date of the Motion Hearing in Allard, Davey, Beemish & Hebert v. HMQ [T-2030-13] before Federal Court Justice Manson for extension of the MMAR was the last day of Robert Roy's Authorizations to Possess and Produce with all permits expiring less than 2 weeks later on April 1 2014! 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.

4. On Mar 21 2014, just 2 days later, Justice Manson grandfathered all Grow Permits back to Oct 1 2013 but only grandfathered the Possess Permits requisite to enable the Grow permits as of the date of his decision, not to the date of the hearing! Though Roy had sufficient medical need to have his permit extended on the date of the hearing, the court ruled he no longer did on the date of his decision only 3 days later.

4. 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.

5. The Crown appealed any extension of patients' MMAR permits wanting everyone cut off from their medication, not just those 12,000 unfortunate enough to have expired in the previous half-year. The Allards cross-appealed for relief to:
a) expand the extension to all patients with grand-fathered Production Permits;
b) allow permits to be amended.

6. 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.

7. 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 of 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.

[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."

ALLARD APPEAL

8. On Jan 6 2015, 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 absolute

nothing for Beemish nor Hebert nor other patients with now-invalid permits who were cut off for non-medical reasons. Justice Manson denied the motion to adjourn the trial slated for Feb 23 2015.

9. On Jan 16, Conroy filed an appeal of Manson J.'s Dec 30 2014 Amended Order which was accepted though it was late but 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 is not on Conroy's agenda.

10. On Feb 5 2015,Justice Boivin noted the appeal was late and ordered Conroy to file a motion for an extension of time to file the Notice of Appeal. The request was filed on Feb 11 but as yet, the Allard Appeal is not open.

PART II - ISSUES IN QUESTION

11. The learned judge erred in:

1) making non-medical reasons determinative of medical need in a balance of convenience between the viability of the MMPR and the viability of the patients;

2) failing to consider high-dosage patients in imposing the 150 gram possession limit.

PART III - ARGUMENTS

1) NON-MEDICAL REASONS DETERMINATIVE OF MEDICAL NEED

a) Medical need determined by expiry dates

12. Though it was clear Justice Manson ordered expiry dates and permit changes to be made determinative of sufficient medical need to merit Charter Relief, the Court of Appeal couldn't fathom why Judge Manson had granted the Right to Life for all but had not granted a remedy to Left-Out Beemish and Changed-Out Hebert. But rather than expand the remedy themselves, the Court of Appeal sent it back below to find out if the judge had simply forgotten to grant half of Canada's medicinal marijuana patients access to their medicine or whether he intended leaving them without any Charter remedy for their Charter Right to Life.

13. Justice Manson refused to reconsider grandfathering Possess Permits for all patients with grandfathered Grow Permits nor permitting any permit changes. The Court of Appeal had failed to consider the need to "avoid unduly impacting on the viability of the MMPR and to take into consideration the practical implications of the MMAR regime no longer being in force."

14. How would grand-fathering all possess permits with all grand-fathered grow permits or amending current permits be unduly impacting on the viability of the MMPR? What are the implications of extending the MMAR for amendments as well as for permits that are so inconveniently impractical?

15. Without making expiry dates determinative of medical need, the court would have had to cut everyone off which would have eliminated unduly impacting on the viability of the MMPR most completely. Though anguish and suffering may go unnoticed, loss of patient "viability" might be too large to be ignored.

16. Making expiry dates determinative of medical need offered the excuse to cut at least some patients off by distinguishing between those with still-valid ATPs whose medical need the Court had to acknowledge and those who failed to renew whose medical need the Court no longer had to acknowledge. Without such a non-medical criterium applied, there would be no "Some get their prescribed medication and others do not!" All would or all would not.

17. The judge did not consider why half the 24,000 Exemptees failed to renew their cherished permits, that Health Canada's Destroy-To-Renew Order and the prohibitive cost of the replacement commercial product had coerced them into outlawry with their unchanged medical need tided over while awaiting court developments by their now-illegal stock. Could the Court really believe that upon Health Canada's command, half the 24,000 patients who did not renew had been miraculously healed, Halleluiah, and now no longer needed any supply? that it was now safe and just to cut off 12,000 of Canada's sickest qualified patients permanently from any re-supply?

18. Robert Roy's ATP expired on Mar 18 2014, the very day of the Allard hearing. Had Judge Manson ruled that day, Roy's ATP would have been extended! But the judge taking only 3 days to

write his decision resulted in Robert Roy no longer being deemed medically needy! Had the judge not taken the extra time, Robert Roy would still be exempted! Roy was Left Out with no more access nor continuing supply due wholly to Judge Manson's unfortunate 3-day delay.

19. It is submitted Robert Roy had as much a valid medical need on the day after as on the day of the hearing! There was no Halleluiah moment! Though indirectly preventing resumption of Robert Roy's re-supply may seem less damnable than directly cutting off his supply, the end result is the same.

20. Stephen Burrows cut his tumor in half but having been Left Out, may no longer lawfully continue his treatment. His access wasn't cut off, he was just coerced to stop growing and then not allowed to resume. David Shea succumbed to his cancer while his action for exemption was stayed below. There is the probability more of the thousands of patients who were deprived of access to their prescribed medication have similarly perished or suffered irreparable harm in silent anonymity.

21. But just how much is the viability of the program actually unduly impacted by a mere 25,000 self-producers among millions of potential cannabis users in Canada? That's 1% or 2% of the MMPR market at most. It wasn't worth the sacrifice to deprive 12,000 patients of their supply for hardly any extra viability of the MMPR.

b) Medical need determined by permit changes

22. The Court of Appeal ordered that the repeal of the MMAR with no infrastructure remaining to amend Hebert's permit be addressed. Justice Manson refused to reconsider his ruling explaining that the practical implications of a repealed MMAR precluded amending old permits. If a patient's moves, his permit can't. If his Designated Grower dies, his exemption dies with him. Again, there are no reasons why amending permits should occasion a change in medical need nor present Health Canada with so insurmountable practical implications that it is more convenient to deprive the patients of their permits.

23. Just what are the practical implications of extending the Health Canada MMAR Amendments Bureau while laying off the rest of the staff? Retaining some staff to process the odd permit change seems a bureaucratic mole-hill rather than the mountain of red-tape the court deemed too much of an inconvenience for Health Canada to surmount compared to the simply depriving the patients of permits for their medicinal supply. Besides, the Ministry of Transport updates permits in real time.

24. Making non-medical reasons like expiry dates and permit changes determinative of medical need allows some patients to be deprived. Since they couldn't deprive all patients to cause a complete catastrophe, expiry dates allowed a partial catastrophe that cut out the maximum number of past patients while no permit changes continues the catastrophe that cuts out the maximum number of patients from now on. Not all are cut off from their medication, only as many as possible!

25. Having a treatment determined by the state of one's permit and not on the state of one's health is not a medical decision though it has the same effect as if the doctor had cut off their prescriptions. Since the dictionary defines "viable: capable of living; Viability: capacity to live, it would seem that rather than the viability of the MMPR program, the viability of the patient should have been the court's major concern.

2) 150-GRAM CAP FAILS TO CONSIDER HIGH-DOSAGE PATIENTS

26. Given my current prescription, the 150-gram possession limit too severely limits me in my life. How then can Exemptee Michael Pearce prescribed 260 grams/day "live" with the 150-gram possession cap? Having no highly dosed patients among the Allard Plaintiffs meant no one has been hurt enough by that limit to raise the plea for immediate relief.

27. The 150-gram cap has no bearing on market viability of the MMPR nor any practical implications; it only bears on the increased inconvenience of the patients!

28. And though Justice Manson based his 150-gram possession monthly cap on Health Canada's estimated average use of 1-3 grams per day, in the same decision Justice Manson cites an actual average prescribed dosage of 17.7 grams/day. A 540 gram cap might be the more accurate average number.

29. If the Allard Action is dismissed on Feb 23 2015 with the interim Order, it could leave everyone cut off. Applicant

seeks expeditious relief from the Court of Appeal lest the worst happen below.

PART IV - ORDER SOUGHT

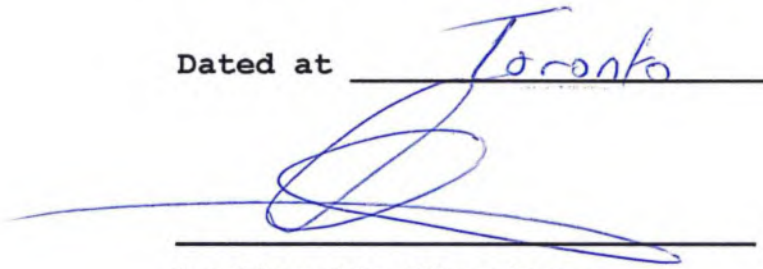
Applicant seeks an Order that:

1) the time be extended to file the Notice of Appeal by a class member affected by Federal Court Justice Manson's Dec 30 2014 Amended Order;

2) Applicant's MMAR permits be deemed amended pursuant to changes described in Applicant's Affidavit;.

3) Applicant's possession and shipping limit be returned to 30 times Applicant's personal daily dosage.

Dated at Toronto on 5 March 2015.



Applicant's Signature:

Name: Catherine Peever
Address: 713 - 70 Esther Lorrie Drive
Etobicoke, ON M9W 4V1
Tel/fax: 416-744-1719
Email: cat.peever@gmail.com

AUTHORITIES

No Authorities relied on

REGULATIONS CITED

No regulations cited.

FEDERAL COURT OF APPEAL

BETWEEN:

Catherine Peever
Applicant

and

HER MAJESTY THE QUEEN
Respondent

APPLICANT'S MEMORANDUM

For the Applicant

File No: _____

FEDERAL COURT OF APPEAL

BETWEEN:

Catherine Peever
Applicant

and

HER MAJESTY THE QUEEN
Respondent

RECORD OF MOTION

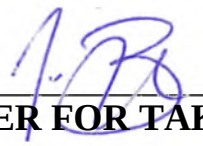
For the Applicant:
Name: Catherine Peever
Address: 713 – 70 Esther Lorrie Drive
Etobicoke, ON M9W 4V1
Tel/fax: 416-744-1719
Email: cat.peever@gmail.com

SERVICE OF A TRUE COPY ADMITTED ON

MAR 05 2015 @ 2:25pm

ON BEHALF OF THE
DEPUTY ATTORNEY GENERAL OF CANADA
WILLIAM F. PLANTEY
per: _____
Department of Justice

THIS IS EXHIBIT "70" 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: 20150414

Docket: 15-A-5

Ottawa, Ontario, April 14, 2015

Present: **DAWSON J.A.**

BETWEEN:

ALLAN JEFFERY HARRIS

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON a motion in writing by the applicant for an order that:

1. the time be extended to file a notice of appeal by a class member affected by December 30, 2014 amended order of Federal Court Justice Manson;

2. the applicant's MMAR permits be deemed amended in the interim pursuant to changes described in the applicant's affidavit;

3. the applicant's possession and shipping limit be returned to 30 times the applicant's personal daily dosage.

AND UPON reading the applicant's motion record, the March 11, 2015 letter from the Department of Justice and the applicant's reply thereto;

AND UPON considering that:

i) In order to obtain an extension of time an applicant must establish:

(1) a continuing intention to pursue the appeal; (2) the appeal has some merit; (3) no prejudice arises from the delay; and (4) there is a reasonable explanation for the delay (*Canada (Attorney General) v. Hennelly* (1999), 244 N.R. 399 (F.C.A.).

ii) The applicant has adduced no evidence with respect to the first and last criteria.

iii) Nor has the applicant shown there to be some merit in the appeal. He was not a party to the order under appeal and so lacks standing to bring the appeal.

iv) As a result, the interests of justice do not require that the extension be granted.

IT IS ORDERED that:

1. The motion is dismissed.

"Eleanor R. Dawson"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20150414

Docket: 15-A-6

Ottawa, Ontario, April 14, 2015

Present: **DAWSON J.A.**

BETWEEN:

COLLEEN MARGARET ABBOTT

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON a motion in writing by the applicant for an order that:

1. the time be extended to file a notice of appeal by a class member affected by December 30, 2014 amended order of Federal Court Justice Manson;

2. the applicant's MMAR permits be deemed amended in the interim pursuant to changes described in the applicant's affidavit;

3. the applicant's possession and shipping limit be returned to 30 times the applicant's personal daily dosage.

AND UPON reading the applicant's motion record, the March 11, 2015 letter from the Department of Justice and the applicant's reply thereto;

AND UPON considering that:

i) In order to obtain an extension of time an applicant must establish:

(1) a continuing intention to pursue the appeal; (2) the appeal has some merit; (3) no prejudice arises from the delay; and (4) there is a reasonable explanation for the delay (*Canada (Attorney General) v. Hennelly* (1999), 244 N.R. 399 (F.C.A.).

ii) The applicant has adduced no evidence with respect to the first and last criteria.

iii) Nor has the applicant shown there to be some merit in the appeal. He was not a party to the order under appeal and so lacks standing to bring the appeal.

iv) As a result, the interests of justice do not require that the extension be granted.

IT IS ORDERED that:

1. The motion is dismissed.

"Eleanor R. Dawson"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20150414

Docket: 15-A-7

Ottawa, Ontario, April 14, 2015

Present: **DAWSON J.A.**

BETWEEN:

WOJCIECH JERRY KRZYZ

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON a motion in writing by the applicant for an order that:

1. the time be extended to file a notice of appeal by a class member affected by December 30, 2014 amended order of Federal Court Justice Manson;

2. the applicant's MMAR permits be deemed amended in the interim pursuant to changes described in the applicant's affidavit;

3. the applicant's possession and shipping limit be returned to 30 times the applicant's personal daily dosage.

AND UPON reading the applicant's motion record and the March 11, 2015 letter from the Department of Justice;

AND UPON considering that:

i) In order to obtain an extension of time an applicant must establish:

(1) a continuing intention to pursue the appeal; (2) the appeal has some merit; (3) no prejudice arises from the delay; and (4) there is a reasonable explanation for the delay (*Canada (Attorney General) v. Hennelly* (1999), 244 N.R. 399 (F.C.A.).

ii) The applicant has adduced no evidence with respect to the first and last criteria.

iii) Nor has the applicant shown there to be some merit in the appeal. He was not a party to the order under appeal and so lacks standing to bring the appeal.

iv) As a result, the interests of justice do not require that the extension be granted.

IT IS ORDERED that:

1. The motion is dismissed.

"Eleanor R. Dawson"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20150414

Docket: 15-A-8

Ottawa, Ontario, April 14, 2015

Present: **DAWSON J.A.**

BETWEEN:

STEPHANIE JEAN QUESTROO

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON a motion in writing by the applicant for an order that:

1. the time be extended to file a notice of appeal by a class member affected by December 30, 2014 amended order of Federal Court Justice Manson;

2. the applicant's MMAR permits be deemed amended in the interim pursuant to changes described in the applicant's affidavit;

3. the applicant's possession and shipping limit be returned to 30 times the applicant's personal daily dosage.

AND UPON reading the applicant's motion record and the March 11, 2015 letter from the Department of Justice;

AND UPON considering that:

i) In order to obtain an extension of time an applicant must establish:

(1) a continuing intention to pursue the appeal; (2) the appeal has some merit; (3) no prejudice arises from the delay; and (4) there is a reasonable explanation for the delay (*Canada (Attorney General) v. Hennelly* (1999), 244 N.R. 399 (F.C.A.).

ii) The applicant has adduced no evidence with respect to the first and last criteria.

iii) Nor has the applicant shown there to be some merit in the appeal. He was not a party to the order under appeal and so lacks standing to bring the appeal.

iv) As a result, the interests of justice do not require that the extension be granted.

IT IS ORDERED that:

1. The motion is dismissed.

"Eleanor R. Dawson"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20150414

Docket: 15-A-9

Ottawa, Ontario, April 14, 2015

Present: **DAWSON J.A.**

BETWEEN:

URSZULA KRZYZ

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON a motion in writing by the applicant for an order that:

1. the time be extended to file a notice of appeal by a class member affected by December 30, 2014 amended order of Federal Court Justice Manson;

2. the applicant's MMAR permits be deemed amended in the interim pursuant to changes described in the applicant's affidavit;

3. the applicant's possession and shipping limit be returned to 30 times the applicant's personal daily dosage.

AND UPON reading the applicant's motion record and the March 11, 2015 letter from the Department of Justice;

AND UPON considering that:

i) In order to obtain an extension of time an applicant must establish:

(1) a continuing intention to pursue the appeal; (2) the appeal has some merit; (3) no prejudice arises from the delay; and (4) there is a reasonable explanation for the delay (*Canada (Attorney General) v. Hennelly* (1999), 244 N.R. 399 (F.C.A.).

ii) The applicant has adduced no evidence with respect to the first and last criteria.

iii) Nor has the applicant shown there to be some merit in the appeal. He was not a party to the order under appeal and so lacks standing to bring the appeal.

iv) As a result, the interests of justice do not require that the extension be granted.

IT IS ORDERED that:

1. The motion is dismissed.

"Eleanor R. Dawson"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20150414

Docket: 15-A-11

Ottawa, Ontario, April 14, 2015

Present: **DAWSON J.A.**

BETWEEN:

CATHERINE PEEVER

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON a motion in writing by the applicant for an order that:

1. the time be extended to file a notice of appeal by a class member affected by December 30, 2014 amended order of Federal Court Justice Manson;

2. the applicant's MMAR permits be deemed amended in the interim pursuant to changes described in the applicant's affidavit;

3. the applicant's possession and shipping limit be returned to 30 times the applicant's personal daily dosage.

AND UPON reading the applicant's motion record and the March 11, 2015 letter from the Department of Justice;

AND UPON considering that:

i) In order to obtain an extension of time an applicant must establish:

(1) a continuing intention to pursue the appeal; (2) the appeal has some merit; (3) no prejudice arises from the delay; and (4) there is a reasonable explanation for the delay (*Canada (Attorney General) v. Hennelly* (1999), 244 N.R. 399 (F.C.A.).

ii) The applicant has adduced no evidence with respect to the first and last criteria.

iii) Nor has the applicant shown there to be some merit in the appeal. He was not a party to the order under appeal and so lacks standing to bring the appeal.

iv) As a result, the interests of justice do not require that the extension be granted.

IT IS ORDERED that:

1. The motion is dismissed.

"Eleanor R. Dawson"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20150414

Docket: 15-A-12

Ottawa, Ontario, April 14, 2015

Present: **DAWSON J.A.**

BETWEEN:

DIANE ELIZABETH DOBBS

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON a motion in writing by the applicant for an order that:

1. the time be extended to file a notice of appeal by a class member affected by December 30, 2014 amended order of Federal Court Justice Manson;

2. the applicant's MMAR permits be deemed amended in the interim pursuant to changes described in the applicant's affidavit;

3. the applicant's possession and shipping limit be returned to 30 times the applicant's personal daily dosage.

AND UPON reading the applicant's motion record and the March 11, 2015 letter from the Department of Justice;

AND UPON considering that:

i) In order to obtain an extension of time an applicant must establish:

(1) a continuing intention to pursue the appeal; (2) the appeal has some merit; (3) no prejudice arises from the delay; and (4) there is a reasonable explanation for the delay (*Canada (Attorney General) v. Hennelly* (1999), 244 N.R. 399 (F.C.A.).

ii) The applicant has adduced no evidence with respect to the first and last criteria.

iii) Nor has the applicant shown there to be some merit in the appeal. He was not a party to the order under appeal and so lacks standing to bring the appeal.

iv) As a result, the interests of justice do not require that the extension be granted.

IT IS ORDERED that:

1. The motion is dismissed.

"Eleanor R. Dawson"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20150414

Docket: 15-A-13

Ottawa, Ontario, April 14, 2015

Present: **DAWSON J.A.**

BETWEEN:

ARTHUR JACKES

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON a motion in writing by the applicant for an order that:

1. the time be extended to file a notice of appeal by a class member affected by December 30, 2014 amended order of Federal Court Justice Manson;

2. the applicant's MMAR permits be deemed amended in the interim pursuant to changes described in the applicant's affidavit;

3. the applicant's possession and shipping limit be returned to 30 times the applicant's personal daily dosage.

AND UPON reading the applicant's motion record and the March 11, 2015 letter from the Department of Justice;

AND UPON considering that:

i) In order to obtain an extension of time an applicant must establish:

(1) a continuing intention to pursue the appeal; (2) the appeal has some merit; (3) no prejudice arises from the delay; and (4) there is a reasonable explanation for the delay (*Canada (Attorney General) v. Hennelly* (1999), 244 N.R. 399 (F.C.A.).

ii) The applicant has adduced no evidence with respect to the first and last criteria.

iii) Nor has the applicant shown there to be some merit in the appeal. He was not a party to the order under appeal and so lacks standing to bring the appeal.

iv) As a result, the interests of justice do not require that the extension be granted.

IT IS ORDERED that:

1. The motion is dismissed.

"Eleanor R. Dawson"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20150414

Docket: 15-A-15

Ottawa, Ontario, April 14, 2015

Present: **DAWSON J.A.**

BETWEEN:

HEIDI CHARTRAND

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON a motion in writing by the applicant for an order that:

1. the time be extended to file a notice of appeal by a class member affected by December 30, 2014 amended order of Federal Court Justice Manson;

2. the applicant's MMAR permits be deemed amended in the interim pursuant to changes described in the applicant's affidavit;

3. the applicant's possession and shipping limit be returned to 30 times the applicant's personal daily dosage.

AND UPON reading the applicant's motion record and the March 11, 2015 letter from the Department of Justice;

AND UPON considering that:

i) In order to obtain an extension of time an applicant must establish:

(1) a continuing intention to pursue the appeal; (2) the appeal has some merit; (3) no prejudice arises from the delay; and (4) there is a reasonable explanation for the delay (*Canada (Attorney General) v. Hennelly* (1999), 244 N.R. 399 (F.C.A.).

ii) The applicant has adduced no evidence with respect to the first and last criteria.

iii) Nor has the applicant shown there to be some merit in the appeal. He was not a party to the order under appeal and so lacks standing to bring the appeal.

iv) As a result, the interests of justice do not require that the extension be granted.

IT IS ORDERED that:

1. The motion is dismissed.

"Eleanor R. Dawson"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20150414

Docket: 15-A-16

Ottawa, Ontario, April 14, 2015

Present: **DAWSON J.A.**

BETWEEN:

ROBERT ROY

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON a motion in writing by the applicant for an order that:

1. the time be extended to file a notice of appeal by a class member affected by December 30, 2014 amended order of Federal Court Justice Manson;

2. the applicant's MMAR permits be deemed amended in the interim pursuant to changes described in the applicant's affidavit;

3. the applicant's possession and shipping limit be returned to 30 times the applicant's personal daily dosage.

AND UPON reading the applicant's motion record and the March 11, 2015 letter from the Department of Justice;

AND UPON considering that:

i) In order to obtain an extension of time an applicant must establish:

(1) a continuing intention to pursue the appeal; (2) the appeal has some merit; (3) no prejudice arises from the delay; and (4) there is a reasonable explanation for the delay (*Canada (Attorney General) v. Hennelly* (1999), 244 N.R. 399 (F.C.A.).

ii) The applicant has adduced no evidence with respect to the first and last criteria.

iii) Nor has the applicant shown there to be some merit in the appeal. He was not a party to the order under appeal and so lacks standing to bring the appeal.

iv) As a result, the interests of justice do not require that the extension be granted.

IT IS ORDERED that:

1. The motion is dismissed.

"Eleanor R. Dawson"

J.A.

Federal Court of Appeal | Cour d'appel fédérale

Date: 20150414

Docket: 15-A-17

Ottawa, Ontario, April 14, 2015

Present: **DAWSON J.A.**

BETWEEN:

STEPHEN PATRICK BURROWS

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON a motion in writing by the applicant for an order that:

1. the time be extended to file a notice of appeal by a class member affected by December 30, 2014 amended order of Federal Court Justice Manson;

2. the applicant's MMAR permits be deemed amended in the interim pursuant to changes described in the applicant's affidavit;

3. the applicant's possession and shipping limit be returned to 30 times the applicant's personal daily dosage.

AND UPON reading the applicant's motion record and the March 11, 2015 letter from the Department of Justice;

AND UPON considering that:

i) In order to obtain an extension of time an applicant must establish:

(1) a continuing intention to pursue the appeal; (2) the appeal has some merit; (3) no prejudice arises from the delay; and (4) there is a reasonable explanation for the delay (*Canada (Attorney General) v. Hennelly* (1999), 244 N.R. 399 (F.C.A.).

ii) The applicant has adduced no evidence with respect to the first and last criteria.

iii) Nor has the applicant shown there to be some merit in the appeal. He was not a party to the order under appeal and so lacks standing to bring the appeal.

iv) As a result, the interests of justice do not require that the extension be granted.

IT IS ORDERED that:

1. The motion is dismissed.

"Eleanor R. Dawson"

J.A.

THIS IS EXHIBIT "71" 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

TO : Registry

FROM : Dawson J.A.

DATE : April 14, 2015

RE : N/A
Russell Barth v. HMTQ

DIRECTION

The proposed appellant, Russell Barth, was not a party to the decision he now seeks to appeal. As such he lacks standing to appeal. The Registry is directed not to file his motion record.

"Eleanor R. Dawson"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

TO : FCA Registry

FROM : WEBB J.A.

DATE : May 15, 2015

RE : N/A
Larry John Benz v Her Majesty the Queen

DIRECTION

Larry John Benz (the "proposed appellant") has submitted a motion record for an order to extend the time to appeal from the Order of Manson J. dated December 30, 2014 (the "Order") rendered in the matter between Neil Allard, Tanya Beemish, David Hebert, and Shawn Davey as Applicants/Plaintiffs and Her Majesty the Queen in Right of Canada as Respondent/Defendant (the "Proceeding").

There is no indication that the Proceeding has been certified as a Class Proceeding for the purposes of Part 5.1 of the *Federal Courts Rules*, SOR/98-106. As a result, the provisions of Part 5.1 of the *Rules* are not applicable.

The proposed appellant is not a party to the Proceeding and therefore does not have any standing to appeal the Order. Therefore, the motion record should not be accepted for filing and should be returned to the proposed appellant.

"Wyman W. Webb"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

TO : FCA Registry

FROM : WEBB J.A.

DATE : May 15, 2015

RE : N/A
Carmel Buttigieg v Her Majesty the Queen

DIRECTION

Carmel Buttigieg (the "proposed appellant") has submitted a motion record for an order to extend the time to appeal from the Order of Manson J. dated December 30, 2014 (the "Order") rendered in the matter between Neil Allard, Tanya Beemish, David Hebert, and Shawn Davey as Applicants/Plaintiffs and Her Majesty the Queen in Right of Canada as Respondent/Defendant (the "Proceeding").

There is no indication that the Proceeding has been certified as a Class Proceeding for the purposes of Part 5.1 of the *Federal Courts Rules*, SOR/98-106. As a result, the provisions of Part 5.1 of the *Rules* are not applicable.

The proposed appellant is not a party to the Proceeding and therefore does not have any standing to appeal the Order. Therefore, the motion record should not be accepted for filing and should be returned to the proposed appellant.

"Wyman W. Webb"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

TO : Registry

FROM : Dawson J.A.

DATE : April 14, 2015

RE : N/A
Sandra Nicole Comeau v. HMTQ

DIRECTION

The proposed appellant, Sandra Nicole Comeau, was not a party to the decision she now seeks to appeal. As such she lacks standing to appeal. The Registry is directed not to file her motion record.

"Eleanor R. Dawson"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

TO : Registry

FROM : Dawson J.A.

DATE : April 13, 2015

RE : N/A
Christine Lowe v. HMTQ

DIRECTION

The proposed appellant, Christine Lowe, was not a party to the decision she now seeks to appeal. As such she lacks standing to appeal. The Registry is directed not to file her motion record.

"Eleanor R. Dawson"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

TO : FCA Registry

FROM : WEBB J.A.

DATE : May 15, 2015

RE : N/A
Andrew Marshall v Her Majesty the Queen

DIRECTION

Andrew Marshall (the "proposed appellant") has submitted a motion record for an order to extend the time to appeal from the Order of Manson J. dated December 30, 2014 (the "Order") rendered in the matter between Neil Allard, Tanya Beemish, David Hebert, and Shawn Davey as Applicants/Plaintiffs and Her Majesty the Queen in Right of Canada as Respondent/Defendant (the "Proceeding").

There is no indication that the Proceeding has been certified as a Class Proceeding for the purposes of Part 5.1 of the *Federal Courts Rules*, SOR/98-106. As a result, the provisions of Part 5.1 of the *Rules* are not applicable.

The proposed appellant is not a party to the Proceeding and therefore does not have any standing to appeal the Order. Therefore, the motion record should not be accepted for filing and should be returned to the proposed appellant.

"Wyman W. Webb"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

TO : FCA Registry

FROM : WEBB J.A.

DATE : May 15, 2015

RE : N/A
Victoria Slagter v Her Majesty the Queen

DIRECTION

Victoria Slagter (the "proposed appellant") has submitted a motion record for an order to extend the time to appeal from the Order of Manson J. dated December 30, 2014 (the "Order") rendered in the matter between Neil Allard, Tanya Beemish, David Hebert, and Shawn Davey as Applicants/Plaintiffs and Her Majesty the Queen in Right of Canada as Respondent/Defendant (the "Proceeding").

There is no indication that the Proceeding has been certified as a Class Proceeding for the purposes of Part 5.1 of the *Federal Courts Rules*, SOR/98-106. As a result, the provisions of Part 5.1 of the *Rules* are not applicable.

The proposed appellant is not a party to the Proceeding and therefore does not have any standing to appeal the Order. Therefore, the motion record should not be accepted for filing and should be returned to the proposed appellant.

"Wyman W. Webb"
J.A.

Federal Court of Appeal | Cour d'appel fédérale

TO : FCA Registry

FROM : WEBB J.A.

DATE : May 15, 2015

RE : N/A
Allan Zehr v Her Majesty the Queen

DIRECTION

Allan Zehr (the "proposed appellant") has submitted a motion record for an order to extend the time to appeal from the Order of Manson J. dated December 30, 2014 (the "Order") rendered in the matter between Neil Allard, Tanya Beemish, David Hebert, and Shawn Davey as Applicants/Plaintiffs and Her Majesty the Queen in Right of Canada as Respondent/Defendant (the "Proceeding").

There is no indication that the Proceeding has been certified as a Class Proceeding for the purposes of Part 5.1 of the *Federal Courts Rules*, SOR/98-106. As a result, the provisions of Part 5.1 of the *Rules* are not applicable.

The proposed appellant is not a party to the Proceeding and therefore does not have any standing to appeal the Order. Therefore, the motion record should not be accepted for filing and should be returned to the proposed appellant.

"Wyman W. Webb"
J.A.

THIS IS EXHIBIT "72" 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

June 11, 2015 ·

Jct: Mean Seventeen Manson Amenders, stay tuned. The kit to file the refusal to grant standing to anyone but Beemish and Hebert to appeal Manson's decision will be ready for the Supreme Court of Canada today.
The original BC 5 have to serve it today or tomorrow so it arrives in Ottawa on Monday. Sorry about short time but I think it's in hand.
Notice how if Phalen varies the Manson Order to expand the remedy to everyone, all these appeals will be mooted. Even though Phelan already wondered at his power to vary a ruling Manson gave thought on, twice, we can pray for a miracle.
He has to explain that the new evidence of the problems were so compelling that Manson would have changed his mind if he'd known. But Manson says he's cutting everyone off on purpose and only 3 judges of the Court of Appeal have the power to over-rule such judgment. But we can pray for miracle now that Conroy discontinued the Manson appeal.
But we can hope that the pressure the first 17 have exerted above will push Phelan to do something. If he doesn't, remember, the last 5 had their motions rejected without filing by Direction. Just like them, any newbies can immediately file in the Supreme Court with the Mean Seventeen before the case goes to the 3 judges in September. People are waiting right now in the hopes Phelan saves them. But if he says he can't contradict the reasons in Manson, they'll all have reason to file at the top Har har har. 18,000 Left-Outs with nowhere to go but join the Mean Seventeen at the top. Could be quite the avalanche of applications over the summertime. Could set a record. But the Gold Stars did in lower court.
So let's all pray that a tidal wave of 18,000 angry Left-Outs at the Supreme Court of Canada threatens such inconvenience that Phelan will just vary it whether he can or not (since no one's going to appeal anyway!)
Let's hope Phelan appreciates what's going to happen if he keeps the Left-Outs out.
Plus it would save me a ton of work and let me focus.....
So despite the fact Conroy didn't go back to the sympathetic guys with overlord power and has chosen to go back to a guy without any looks bad but we have no choice but to hope Phelan appreciates what's going to happen if he doesn't let Conroy win.

10 4 Comments 5 Shares

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THIS IS EXHIBIT "73" 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: Amend Permits Kits now ready for FCA & SCC

1 view

KingofthePaupers Aug 15, 2015, 6:32:31 PM

to

JCT: I may have found 2 people to file Motions to Amend their permits in Montreal. Maybe a lot more soon.

If you were Left-Out of the Manson relief or your ATP needs amending, filing right now will get your file into the Supreme Court of Canada within weeks, for as little as $75, even free if you're on support! This is probably your one and only chance to get your name into the medpot history books for this historic court battle at the top. If that kind of thing might matter to your grandchildren, that you were in on the fight for repeal of prohibition, officially, then get moving now.

http://www.scc-csc.gc.ca/case-dossier/info/dock-regi-eng.aspx?cas=36481

Jeff Harris's Leave is complete and will be sent up to the 3 judges soon. Then they'll make their decision about whether it's important enough to be get in before 9 judges.

http://www.scc-csc.gc.ca/case-dossier/info/dock-regi-eng.aspx?cas=36519

Arthur Jackes' application is up to the Crown responding on Aug. 12. So he'll file his reply like Jeff Harris within 10 days. Served Aug 21, filed in Ottawa Monday 24th

http://www.scc-csc.gc.ca/case-dossier/info/dock-regi-eng.aspx?cas=36481

Voytek Krzyz got his Response on Aug 10 so he's due Aug 20. Reply for all will be posted by end of weekend.

But now the motion to the Federal Court of Appeal starting it all has been amended to include the recent Phelan rejection of Conroy's motion to expand the relief again.

And the latest Form for Leave to Appeal to the Supreme Court is now updated with it.

Filing the Motion in the Federal Court of Appeal can be done immediately. When you get the Direction rejecting the filing of your motion, you stick that Direction into the Supreme Court of Canada kit and mail it off to the Supreme Court for filing.

I'm sure they're not going to rush Jim Harris's Application all by itself with more just behind him. This is our chance to really really give them more.

By discontinuing the appeal to the Three Judges with

jurisdiction to go see Phelan without jurisdiction was one neat stab in the back of all the Manson victims. Cancelling their only valid card to use an invalid card takes the cake.

So all is set on the civil front for all the Manson victims to ream out the Registry of the Supreme Court with more Applications in a month than in half their history.

And on the criminal front with all busted victims to ream out the Registries of the lower courts with more applications by self-defenders than in their history.

You can bet that if Maxime shows up in court Thursday with a dozen other outlaws demanding the J.P. treatment and with some media showing up to watch, it's game over for the prohibitionists. Imagine the story the judge would have to write to explain why Parker-Hitzig was enough in 2003 but Parker-Smith isn't enough now

THIS IS EXHIBIT "74" 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:

ALLAN JEFFERY HARRIS

Applicant

Appellant in appeal

And

Her Majesty The Queen

Respondent

APPLICATION FOR LEAVE TO APPEAL

ALLAN JEFFERY HARRIS, APPLICANT

(Pursuant to Rule 25 of the Supreme Court Rules)

For the Applicant:

Name: Allan Jeffery Harris

1101 9380 Cardston Crt

Burnaby BC V3N4R5

Email: meatloaf@telus.net

Ph: 604 612 2756

For the Respondent:

Attorney General for Canada

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ALLAN JEFFERY HARRIS,

APPLICANT

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File Number:

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

BETWEEN:

ALLAN JEFFERY HARRIS

Applicant
Appellant in appeal

and

Her Majesty The Queen

Respondent

NOTICE OF APPLICATION FOR LEAVE TO APPEAL
ALLAN JEFFERY HARRIS, APPLICANT
(Pursuant to Rule 25 of the Supreme Court Rules)

TAKE NOTICE that Applicant seeks leave to appeal the decision of Federal Court of Appeal Justice Eleanor Dawson on April 14, 2015 dismissing Applicant's motion for an extension of time to appeal the Dec 30 2014 decision of Federal Court Justice Manson in Allard et al v. HMQ.

AND FOR an Interim Exemption from the CDSA for the Personal Medical Use of marijuana by Applicant pending the appeal.

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 members of the a class affected by a Federal Court ruling should have a right of appeal.

Dated at Vancouver BC on June 12, 2015.

For the Applicant:
Name: Allan Jeffery Harris
1101 9380 Cardston Crt
Burnaby BC V3N4R5
Email: meatloaf@telus.net
Ph: 604 612 2756

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.

File Number:

IN THE SUPREME COURT OF CANADA

(ON APPEAL FROM THE

FEDERAL COURT OF APPEAL)

BETWEEN:

ALLAN JEFFERY HARRIS

Applicant

Appellant in appeal

And

Her Majesty The Queen

Respondent

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

ALLAN JEFFERY HARRIS,

APPLICANT

(Pursuant to Rule 25 of

the Supreme Court Rules)

For the Applicant:

Name: Allan Jeffery Harris

1101 9380 Cardston Crt

Burnaby BC V3N4R5

Email: meatloaf@telus.net

Ph: 604 612 2756

File Number:

IN THE SUPREME COURT OF CANADA

(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

BETWEEN:

ALLAN JEFFERY HARRIS

Applicant

Appellant in appeal

and

Her Majesty The Queen

Respondent

APPLICANT'S CERTIFICATE

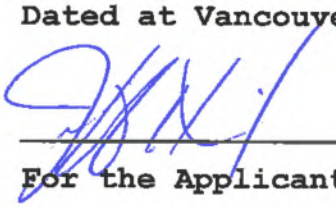
ALLAN JEFFERY HARRIS,

APPLICANT

(Pursuant to Rule 25 of the Supreme Court Rules)

I, ALLAN JEFFERY HARRIS, Applicant, hereby certify that there is no sealing order or ban on the publication of evidence or the names or identity of a party of witness in this case or subject to any limitations on public access.

Dated at Vancouver on June 12, 2015.



For the Applicant:
Name: Allan Jeffery Harris
1101 9380 Cardston Crt
Burnaby BC V3N4R5
Email: meatloaf@telus.net
Ph: 604 612 2756

ORIGINAL TO: THE REGISTRAR

COPY TO: Attorney General for Canada

File Number:

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE
FEDERAL COURT OF APPEAL)

BETWEEN:
ALLAN JEFFERY HARRIS

Applicant

Appellant in appeal

And

Her Majesty The Queen

Respondent

APPLICANT'S CERTIFICATE
ALLAN JEFFERY HARRIS, APPLICANT
(Pursuant to Rule 25
of the Supreme Court Rules)

For the Applicant:

Name: Allan Jeffery Harris
1101 9380 Cardston Crt
Burnaby BC V3N4R5
Email: meatloaf@telus.net
Ph: 604 612 2756

Federal Court of Appeal | Cour d'appel fédérale

Date: 20150414

Docket: 15-A-5

Ottawa, Ontario, April 14, 2015

Present: **DAWSON J.A.**

BETWEEN:

ALLAN JEFFERY HARRIS

Applicant

and

HER MAJESTY THE QUEEN

Respondent

ORDER

UPON a motion in writing by the applicant for an order that:

1. the time be extended to file a notice of appeal by a class member affected by December 30, 2014 amended order of Federal Court Justice Manson;

2. the applicant's MMAR permits be deemed amended in the interim pursuant to changes described in the applicant's affidavit;

3. the applicant's possession and shipping limit be returned to 30 times the applicant's personal daily dosage.

AND UPON reading the applicant's motion record, the March 11, 2015 letter from the Department of Justice and the applicant's reply thereto;

AND UPON considering that:

i) In order to obtain an extension of time an applicant must establish:

(1) a continuing intention to pursue the appeal; (2) the appeal has some merit; (3) no prejudice arises from the delay; and (4) there is a reasonable explanation for the delay (*Canada (Attorney General) v. Hennelly* (1999), 244 N.R. 399 (F.C.A.).

ii) The applicant has adduced no evidence with respect to the first and last criteria.

iii) Nor has the applicant shown there to be some merit in the appeal. He was not a party to the order under appeal and so lacks standing to bring the appeal.

iv) As a result, the interests of justice do not require that the extension be granted.

IT IS ORDERED that:

1. The motion is dismissed.

"Eleanor R. Dawson"

J.A.

File Number:

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE FEDERAL COURT OF APPEAL)

BETWEEN:

ALLAN JEFFERY HARRIS

Applicant
Appellant in appeal

and

Her Majesty The Queen

Respondent

APPLICANT'S MEMORANDUM
ALLAN JEFFERY HARRIS, APPLICANT
(Pursuant to Rule 25 of the Supreme Court Rules)

PART I - OVERVIEW

1. Applicant is one of a group of 36,000 medically-licensed marijuana self-growers under the MMAR but the government wanted to turn the business over to large commercial concerns.

2. To shut the self-grows down, in July 2013, Health Canada announced that all MMAR personal grower permits would be terminated on April Fool 2014 when the MMPR commercial growers took over. There would be no more renewals after Oct 1 2013. Upon expiry of a license, the exemptee should take down the garden, destroy all stock, and provide proof of purchase of the commercial product to continue to be exempt. Of course, security, packaging, labeling regulations were so

onerous that after a year, only 13 of the 1,000 applicants overcame the mountain of red tape to be approved!

3. The "Allard" Federal Court legal challenge against the MMPR as deficient was launched and asked to extend the MMAR for those Authorized To Possess pending the trial to be heard Mar 18 2014, two weeks before April Fool expiry for all permits.

4. In the next half year until April 1 2014, 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 because most couldn't even afford the commercial prices.

5. Exemptee Stephen Burrows had cut his tumor in half with cannabis oil before his permits expired in January. Unable to afford the MMPR, what could be do but shut down, go outlaw with the rest of his stash, and hope he'd get his permits grandfathered back at the hearing.

6. Robert Roy's permits were expiring on Mar 18 2014, the very day of the hearing with no disruption at all if the MMAR is extended.

7. After the hearing, Justice Manson reserved his decision! So the next day, Robert Roy's permits expired and he became an outlaw for not destroying his grow as he waited for the judge's decision on the extension. Luckily, he wasn't raided.

8. 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 unready and grandfathered everyone's grow permits back to Oct 1 2013. But not their Possess Permits, only those holding currently valid permits were extended! And a Grow Permit is no good without a Possess Permit!

9. So, by only 3 days, Robert Roy was Left Out of the relief with Stephen Burrows and the other half of the 36,000 exemptees whose permits had expired.

10. And no more amendments to permits, if your Designated Grower dies, your permits die with him.

11. Upon a motion to expand the relief to all, the Federal Court of Appeal sent it back for an explanation of why Manson had granted all in the group Right but then Beemish and Hebert the remedy granted to others. Judge Manson refused to expand the remedy to all nor allow any permit changes in order to protect the commercial viability of the MMPR regime!

12. When John Conroy, attorney for Beemish and Hebert, failed to file an appeal for his clients and the affected group on time, Applicant filed a motion for an extension of time to appeal the Manson refusal to expand his remedy to me and for interim expansion of the remedy to me.

13. John Conroy did file an Appeal late against the Manson refusal to expand the remedy but did not move for interim

expansion of remedy pending the appeal.

14. Applicant has been denied legal standing to file such appeal on the grounds first elucidated in Justice Eleanor Dawson's decision of April 14 2015 in Allan Jeffery Harris v. HMTQ:

i) In order to obtain an extension of time an applicant must establish:

(1) a continuing intention of pursue the appeal;

(2) the appeal has some merit;

(3) no prejudice arises from the delay; and

(4) there is reasonable explanation for the delay.

ii) The applicant has adduced no evidence with respect to the first and last criteria.

iii) Nor has the applicant shown there to be some merit in the appeal. He was not party to the order under appeal and so lacks standing to bring the appeal.

iv) As a result, the interests of justice do not require that that the extension be granted.

15. On April 30 2015, John Conroy has now discontinued the appeal of the Manson refusal to vary the remedy before the higher court and filed instead another motion to vary the remedy which Justice Phelan has already refused before Justice Phelan in an equivalent court leaving Applicant without recourse to avoid the violation of rights of the group originally accepted by Justice Manson.

PART II: ISSUES

16. The learned judge erred in:

A(1) expecting evidence of "continuing intention of pursue the appeal" before the appeal is even filed;

A(2) finding there was no reasonable explanation for the short delay after John Conroy failed to file an appeal for the affected group on time;
A(3) seeing no merit in the appeal though an identical appeal was filed late by Allard et al with no pre-trial challenge to the merits;
A(4) granting no standing to anyone in the affected group but Beemish and Hebert who aren't appealing.
B) Should Applicant be granted an Interim Exemption pending adjudication of this Application for Leave to Appeal?

III - ARGUMENT

A(1) MOVING TO START APPEAL SHOWS NO INTENT TO CONTINUE

16. The Court has decided that there has been no intention shown to continue the appeal before the appeal has commenced. How can Applicant show a continuing intention to pursue the appeal before it is even started? Applicant submits applying to commence an appeal is evidence of intent to continue such appeal rather lack of intent to continue what is moved to be commenced!

A(2) NO REASONABLE EXPLANATION FOR DELAY

17. The Applicant submits that waiting until John Conroy failed to file an appeal for the affected group on time before moving for an extension of time to file myself is completely reasonable.

A(3) NO MERIT IN THE APPEAL

18. Allard was not deemed without merit when granted an extension of time to appeal the same Manson decision before being discontinued. There is no reason to believe same arguments have any less merit when presented by a non-lawyer.

A(4) ONLY BEEMISH & HEBERT IN GROUP HAVE STANDING

19. In his March 21 2014 decision, Justice Manson identified the group whose rights were affected by his decision:

> Analysis
>
> [117] The Applicants are representative of an identifiable group: medically-approved patients under the MMAR regime. I accept that this group reflects a public interest as was described in Parker at para 97: that patients should have legal access to medication reasonably required for the treatment of a medical condition. As discussed above, this group will be irreparably harmed by the effects of the MMPR.

20. I am one of the group whose rights Justice Manson said will be irreparably harmed. Justice Dawson has ruled that only Beemish and Hebert have legal standing to appeal from the affected group and if they're not, violation of our rights may not be addressed. Any applications in Federal Court for relief are immediately stayed pending the outcome of Allard.

21. With John Conroy discontinuing the appeal of Beemish and Hebert, the whole affected group is left without any recourse from the continued violation of our confirmed rights.

B) PERSONAL MEDICAL USE INTERIM EXEMPTION PENDING APPEAL

22. The courts have thrice before granted an exemption from the CDSA on marijuana for Personal Medical Use as warranted for the Epileptic Terrance Parker and should also be granted for our group herein.

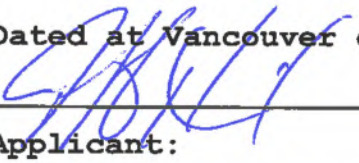
PART IV - ORDER SOUGHT

7. Applicant seeks:

A) Leave to appeal the decision of Federal Court of Appeal Justice Eleanor Dawson April 14, 2015 2015 dismissing Applicant's motion for an extension of time to appeal the Dec 30 2014 decision of Federal Court Justice Manson in Allard et al v. HMQ;

B) an Interim Exemption on the marijuana prohibitions in the CDSA for Personal Medical Use pending the Appeal.

Dated at Vancouver on June 12,2015.



Applicant:
Name: Allan Jeffery Harris
1101 9380 Cardston Crt
Burnaby BC V3N4R5
Email: meatloaf@telus.net
Ph: 604 612 2756

To the Registrar of this Court

To the Respondent: Attorney General for Canada

File Number:

IN THE SUPREME COURT OF CANADA

(ON APPEAL FROM THE

FEDERAL COURT OF APPEAL)

BETWEEN:

ALLAN JEFFERY HARRIS

Applicant

Appellant in appeal

And

Her Majesty The Queen

Respondent

APPLICANT'S MEMORANDUM

ALLAN JEFFERY HARRIS, APPLICANT

(Pursuant to Rule 25 of

the Supreme Court Rules)

For the Applicant:

Name: Allan Jeffery Harris

1101 9380 Cardston Crt

Burnaby BC V3N4R5

Email: meatloaf@telus.net

Ph: 604 612 2756

File Number:

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE
FEDERAL COURT OF APPEAL)

BETWEEN:
ALLAN JEFFERY HARRIS

Applicant

Appellant in appeal

And
Her Majesty The Queen

Respondent

APPLICATION FOR LEAVE TO APPEAL

ALLAN JEFFERY HARRIS, APPLICANT
(Pursuant to Rule 25
of the Supreme Court Rules)

For the Applicant:
Name: Allan Jeffery Harris
1101 9380 Cardston Crt
Burnaby BC V3N4R5
Email: meatloaf@telus.net
Ph: 604 612 2756

THIS IS EXHIBIT "75" 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

Supreme Court of Canada | Cour suprême du Canada

No. 36481

November 5, 2015

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

Allan Jeffery Harris

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for interim relief is dismissed. The application for leave to appeal from the judgment of the Federal Court of Appeal, Number 15-A-5, dated April 14, 2015, is dismissed for want of jurisdiction.

C.J.C.
J.C.C.

Le 5 novembre 2015

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

Allan Jeffery Harris

Demandeur

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête pour mesure provisoire est rejetée. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro 15-A-5, daté du 14 avril 2015, est rejetée pour défaut de compétence.

Supreme Court of Canada | Cour suprême du Canada

No. 36483

November 5, 2015

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

Colleen Margaret Abbott

Applicant

- and -

Her Majesty the Queen

Respondent

JUDGMENT

The motion for interim relief is dismissed. The application for leave to appeal from the judgment of the Federal Court of Appeal, Number 15-A-6, dated April 14, 2015, is dismissed for want of jurisdiction.

Le 5 novembre 2015

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

Colleen Margaret Abbott

Demanderesse

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête pour mesure provisoire est rejetée. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro 15-A-6, daté du 14 avril 2015, est rejetée pour défaut de compétence.

C.J.C.
J.C.C.

Supreme Court of Canada | Cour suprême du Canada

No. 36519

November 5, 2015

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 motion for interim relief is dismissed. The application for leave to appeal from the judgment of the Federal Court of Appeal, Number 15-A-13, dated April 14, 2015, is dismissed for want of jurisdiction.

Le 5 novembre 2015

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 de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La requête pour mesure provisoire est rejetée. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro 15-A-13, daté du 14 avril 2015, est rejetée pour défaut de compétence.

C.J.C.
J.C.C.

Supreme Court of Canada | Cour suprême du Canada

No. 36560

November 5, 2015

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

Wojciech Jerry Krzyz

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 relief is dismissed. The application for leave to appeal from the judgment of the Federal Court of Appeal, Number 15-A-7, dated April 14, 2015, is dismissed for want of jurisdiction.

Le 5 novembre 2015

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

Wojciech Jerry Krzyz

Demandeur

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en prorogation de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La requête pour mesure provisoire est rejetée. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro 15-A-7, daté du 14 avril 2015, est rejetée pour défaut de compétence.

C.J.C.
J.C.C.

Supreme Court of Canada | Cour suprême du Canada

No. 36561

November 5, 2015

Coram: McLachlin C.J. and Moldaver and Gascon JJ.

BETWEEN:

Urszula Krzyz

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 relief is dismissed. The application for leave to appeal from the judgment of the Federal Court of Appeal, Number 15-A-9, dated April 14, 2015, is dismissed for want of jurisdiction.

Le 5 novembre 2015

Coram : La juge en chef McLachlin et les juges Moldaver et Gascon

ENTRE :

Urszula Krzyz

Demanderesse

- et -

Sa Majesté la Reine

Intimée

JUGEMENT

La requête en prorogation de signification et de dépôt de la demande d'autorisation d'appel est accueillie. La requête pour mesure provisoire est rejetée. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro 15-A-9, daté du 14 avril 2015, est rejetée pour défaut de compétence.

C.J.C.
J.C.C.

THIS IS EXHIBIT "76" 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-983-16

FEDERAL COURT

Between:

RAYMOND LEE HATHAWAY

Plaintiff

AND

HER MAJESTY THE QUEEN

Defendant

STATEMENT OF CLAIM

(Pursuant to S.48 of the Federal Court Act)

FACTS

1. The Plaintiff seeks a declaration that:

A) the CDSA prohibitions on marijuana have been invalid absent a constitutional exemption since Aug. 1 2001, or in the alternative,

B) provisioners of cannabis marijuana juice, oil and products to licensed patients are exempted from the CDSA.

THE PARTIES

2. The Plaintiff brings this claim for declaratory relief pursuant to S.24(1) of the Charter of Rights and Freedoms as

a patient who has been disabled by an inoperable tumor and has established medical need by obtaining an MMAR permit to use marijuana for medical purposes but who still cannot access cannabis juice or oil for his treatment.

3. The Defendant, Her Majesty the Queen in Right of Canada, as represented by the Attorney General of Canada, is named as the representative of the Federal Government of Canada and the Minister of Health for Canada who is the Minister responsible for Health Canada and certain aspects of the Controlled Drugs and Substances Act including the Narcotic Control Regulations, the Marihuana Medical Access Regulations and program and the Marihuana for Medical Purposes Regulations and program.

BACKGROUND

4. The Supreme Court of Canada in R. v. Smith [2015] ruled the prohibition on "non-dried" marijuana violated the Applicant's S.7 Charter Rights thus legalizing Applicant's use of juice, oil and derivatives for medical purposes.

5. On Feb 24 2016, the decision in Allard v. HMQ [2016] declared the MMPR Regime entirely unconstitutional, such declaration suspended to Aug 24 2016 before taking effect.

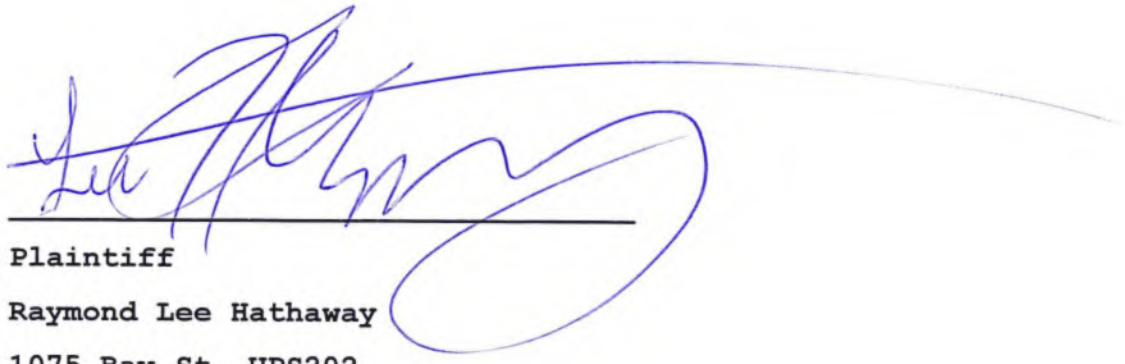
6. Though the Supreme Court has declared my right to various cannabis oils or juice, they remain legally-inaccessible evidenced by recent Toronto raids on my cannabis dispensaries.

7. With no other reasonable alternative, Plaintiff's exemption to use oil, juice and products is illusory. Having the right to oil but not being able to get any is akin to the Hitzig decision pronouncing that having the right to

marijuana but not being to get enough made it "illusory."

The Plaintiff proposes this action be tried in the City of Toronto in the Province of Ontario.

Dated at Toronto on June 22 2016.



Plaintiff
Raymond Lee Hathaway
1075 Bay St. UPS202
Toronto ON M5S 2B2
Tel/fax: 647-770-4420
E: leehathaway@gmail.com

File No: _____

FEDERAL COURT

BETWEEN:

RAYMOND LEE HATHAWAY

Plaintiff

and

Her Majesty The Queen

Defendant

STATEMENT OF CLAIM

(Pursuant to S.48 of the Federal Court Act)

For the Plaintiff:
Raymond Lee Hathaway
1075 Bay St. UPS202
Toronto ON M5S 2B2
Tel: 647-770-4420
E: leehathaway@gmail.com

THIS IS EXHIBIT "77" 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: Exemptees go for Kill to Repeal over No Juice or Oil

5 views

KingofthePaupers Jul 6, 2016, 12:54:04 AM
to

TURMEL: Exemptees go for Kill to Repeal over No Juice or Oil

JCT: The government intention was stated with the MMPR, to shut down self-grow operations to augment the viability of the MMPR, same reason Judge Manson gave for cutting half of the self-grower licenses. Aw, with all the hoopla of Manson extending all grow permits (expired or not) grandfathered back to 2013, it's never mentioned how he did not extend all possess permits but only those not expired thus cutting off half a year's renewals. So much cheering in the press about "All grow permits extended)" and the Left-Outs without Possess Permits remaining unnoticed.

When the MMPR was struck down in Allard demanding self-grower concerns be addressed, did you really think they had given up on the original intention? Back in the early days, the new Health Canada examiners of applications were the pharmacists from the narc squad. Don't think the Narcs don't still rule. We see today's headlines:
https://www.thestar.com/news/queenspark/2016/07/04/ottawa-might-try-to-prohibit-homegrown-pot.html

Ottawa might try to prohibit homegrown pot
(SEAN KILPATRICK / THE CANADIAN PRESS)

Prime Minister Justin Trudeau's Liberal government warns legalized recreational marijuana will be a strictly controlled substance - so much so that even homegrown weed may be prohibited.

Bill Blair, parliamentary secretary to the minister of justice, noted "the science is overwhelmingly clear that marijuana is not a benign substance."

JCT: Best part being based on a completely provable lie.

He said that's why Ottawa will be "ensuring that an effective and comprehensive regulatory framework is put in place to control the production, distribution, and the consumption of marijuana."

JCT: And how long do you expect it to take for them to be able to provide juice?

By ROBERT BENZIE Queen's Park Bureau Chief
Mon., July 4, 2016

Federal Health Minister Jane Philpott said the government is "taking a public health approach to the matter of the legalization and regulation of marijuana," treating it like

tobacco.

JCT: Proof they're treating a no-danger like a dangerous substance.

But in Ontario - despite strong anti-smoking laws - growing tobacco for personal consumption is allowed.

JCT: Bingo, great precedent.

That raises questions about the efficacy of banning Canadians from cultivating marijuana at home for recreational use once it is legalized next year.

Kyle Bell, a medicinal cannabis advocate, said Monday that there is mounting concern that the federal Liberals may not allow anyone - even medical marijuana patients - to grow their own.

Bell noted Ottawa has until Aug. 24 to address a Federal Court ruling in B.C. that it's unconstitutional to stop patients from growing cannabis and forcing them to buy it from Health Canada-licensed producers.

"They're being very heavy-handed with it," he said of the federal government's moves.

JCT: Of course they're being heavy-handed because they're staying with their original intention. So don't expect the Aug 24 Medical Marijuana New Regulations ("MMNR") to be a wonderful solution. Consider the Narcs who are writing it, again.
The Narcs wrote the 2001 MMAR declared absent by malfunction in 2003 Hitzig.
The Narcs wrote the 2003 fix that was then declared absent by malfunction in 2008 Sfetkopoulos.
The Narcs wrote the Sfet fix that was then declared absent by malfunction in 201? Beren.
The Narcs wrote the Beren fix but the MMAR was yet again declared absent by malfunction in Smith.
The Narcs wrote the MMPR that was declared absent by complete malfunction in Allard.
And it's the same guys writing the new Regs.
Har har har. And someone expects a different result?

But I expect never-ending attack on self-grows with the final as with the original intention. As you fought their MMPR attack on self-grows in Allard, get ready to face their MMNR attack as stated above.

I'd wondered how they were going to pursue that agenda in their MMNR would be to say it'll take not the usual 10 weeks to process the new hundreds of applications they used to process but it will take 10 months to process the old thousands who now want back in.

Or put in stringent production conditions, necessary testing of product, even labelling, ban outdoor-grow, whatever they can do to make it expensive for everyone but the rich.

The Narcs have their shills at all levels of government following the party line. Shutting down dispensaries at the local level when trafficking to the patients in the streets didn't cause all that much bother they should complain, is another prime example of the resistance from the establishment who want the monopoly on production and distribution.

Yes, kiddies, get ready to defend against their next attack. Yes, get ready to defend. What else can you do? The Narcs intend to shut down private grows. What else can you do?

So it's us against the Narcs and they've put us on Defence again. Of course, I have been developing an offensive move on the quiet burner until something like today's news could scare you with a jolt of reality. No matter how many kids puff at pot parties in the open demonstrations, the Barneys can still keep busting anyone they want to keep the courts busy.

So rather than defence, time to go on offence. Forget waiting for the Trudeau fix. He promised us our dream. It wasn't Truethough. He's a Reneger. We should honor the people who got busted after Justin got in as Trudeau's Renegees! He's the Reneger of his promise and they're the victim renegees of his reneged promise.

This is therefore the ideal opportunity for a massive show of strength. Back in 2014, it took months to get the word out to over 300 "Gold Star" Plaintiffs for Repeal or Exemptions. The Crown labelled the April 29 Big Event videotelecast in 12 courtrooms in 10 provinces as "unprecedented," "remarkable" and "extraordinary" three times. The Crown and the Registry were mightily taxed by only hundreds of self-represented plaintiffs using the same forms.

So the stake through the heart happens to be pioneered by Raymond Lee Hathaway. His statement of claim for repeal because he can't get fresh juice or oil products got past Phelan who couldn't use the Gold Star automatic stay on him.

So Lee has sapped the court's defences and now it's up to everyone with a permit but who wants fresh juice or oil products to join him in his $2 quest for complete repeal or exemptions for provisioners. That's everyone in the chain of production who's protected.

http://johnturmel.com/hathaway has 4-page Statement of Claim with instructions.

So this is our chance to flood the Registry with possibly 60,000 to 120,000 (I've heard both) current exemptees and every new one who gets a permit in the future.

The big difference now is that back in 2014, the Gold Star bandwagon started small, people telling friends. Now every dispensary has a large databases of known permit holders!

Since the purpose is to get exemptions for the dispensaries, I hope they'll see the advantage of signing their patients up to the $2 online protest for Juice and Oil or Repeal. Can you imagine how this would paralyze the Justice system if a first

dispensary, then a second, then another and another sign up all their patients demanding fresh juice and oil products.

If we semi-paralyzed them with 300 Gold Stars last time in a couple of months, given they deal with about 3,000 cases a year, it could be possible for the marijuana community to give them a couple of decades of work in just a few weeks.

Right now, I expect every Gold Star to sign on for their second Gold Star: Repeal over Supply and Repeal over No Juice-Oil.

The Power Card is "No Fresh juice." LPs can import pot to provide oil but can't provide fresh juice at all without local growers. So claiming the non-high juice is the winningest card. They have no alternative but repeal or exemption immediately.

You've seen how fast we can get through the courts when not stalled and how I Keep It Super Simple, usually to the one or two winning trump. But Juice-Oil is not only the winning vital argument which judges can "fail to see" as often as they close their eyes. The real winning power here is once again what freaked both the Crown and Registry last time, the volume.

Let's say 200 of the 300 Gold Stars did file their Statements of Claim online last time. It should be easy to do it again. But now, knowing so many other legal users, actually get them filed online. Just add their info to the form, take a picture of their signature and insert, save to PDF and take 3 minutes to upload it to the Court computer. A dispensary could sign up every patient who walks in.

For any who can't use computers that well, email me an image of your signature and I'll file it for you. Anyone can file it for you, you just pay the $2.

That means if you learn how to do the online filing with your Ipad, or if your friends send you their signature, you can get their Statement of Claim filed. Then they handle the call for the $2 payment.

I'm contacting every Gold Star and expect them to take the 10 minutes to get in on the kill. And pleading that pushing your dispensaries to sign up tens of thousands of patients demanding fresh juice to swamp the Crown and Registry is the winning move.

With the aid of dispensaries, this Claim for Juice-Oil will cripple the government's attempt to shut down self-grows. And even a self-grower shouldn't have to process oil himself. Don't carp about having to make your own juice though.

Besides, someday, someone may ask why you didn't claim for Juice and Oil with the smart ones.

So the kit and all info to start their documentary nightmare are at http://johnturmel.com/juiceoil

This one I need others to pass along to other groups. I got banned last time, this one has to get out, so I need help.

Share this everywhere.

On Monday, I filed Sharon Misener, Ron and Linda Yule. So there are now 4 on Hathaway's Juice-Oil bandwagon. Hope the dispensaries can give us a hand getting them exemptions to provision us. Might not be such a tough sell.

THIS IS EXHIBIT "78" 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: 20160817

Docket: T-983-16

Toronto, Ontario, August 17, 2016

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

RAYMOND LEE HATHAWAY

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

ORDER

UPON AMENDED MOTION in writing on behalf of the Defendant filed on August 3, 2016, pursuant to Rule 369 of the *Federal Courts Rules* for:

1. an order striking the claim without leave to amend; or

2. in the alternative, an order granting the Defendant 30 days from the date of the order to file a statement of defence;

3. costs of this motion and of the proceeding; and

4. such further and other relief as this Honourable Court may allow.

AND UPON reading the material filed by the Defendant, the Plaintiff having filed no materials;

AND UPON being satisfied that it is plain and obvious that the claim does not disclose a reasonable cause of action;

AND UPON exercising my discretion not to award costs against the self-represented Plaintiff, in these circumstances;

THIS COURT ORDERS that the claim is struck without leave to amend and there is no order as to costs.

"Russel W. Zinn"
Judge

Federal Court Cour fédérale

Date: 20161011

Dockets: T-1113-16
T-1114-16
T-1137-16
T-1191-16
T-1194-16
T-1215-16
T-1248-16

Toronto, Ontario, October 11, 2016

PRESENT: Prothonotary Kevin R. Aalto

Docket: T-1113-16

BETWEEN:

DARREN ROY MACDONALD

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-1114-16

AND BETWEEN:

JACEY JOSEPH EDWARD CAREME

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-1137-16

AND BETWEEN:

ARTHUR JACKES

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-1191-16

AND BETWEEN:

COLLEEN MARGARET ABBOTT

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-1194-16

AND BETWEEN:

ALLAN JEFFERY HARRIS

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-1215-16

AND BETWEEN:

CHERYLE HAWKINS

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-1248-16

AND BETWEEN:

ROBERT JAMES WOOLSEY

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

ORDER

UPON MOTION in writing on behalf of the Defendant filed September 6, 2016, pursuant to Rule 369 of the *Federal Courts Rules* for:

1. An order striking the claims without leave to amend; or

2. In the Alternative, an order granting the Defendant 30 days from the date of the order to file statements of defence; and

3. Such further and other relief as this Honourable Court may allow.

AND UPON reading the Motion Record of the Defendant and the Plaintiff's Written Representations in Court File No. T-1194-16; there being no written representations from the plaintiffs in the other actions;

AND UPON reading the Order in Court File No. T-983-16 wherein the Honourable Mr. Justice Russel Zinn struck a claim without leave to amend substantially similar to the claims in issue on this motion on the ground that it was plain and obvious that the claim does not disclose a reasonable cause of action; and upon being satisfied that the claims herein are similarly bereft of any chance of success as disclosing no reasonable cause of action and should therefore be struck without leave to amend but without costs;

THIS COURT ORDERS that

1. These actions are hereby struck without leave to amend.

2. There shall be no order as to costs.

"Kevin R. Aalto"
Prothonotary

THIS IS EXHIBIT "79" 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: Heidi Chartrand files to strike pot prohibitions because of no juice

17 views

KingofthePaupers Oct 15, 2018, 6:50:22 PM

to

TURMEL: Heidi Chartrand files to strike pot prohibitions because of no juice

JCT: I've created what I hope is the killer app to strike down the marijuana prohibitions because the Licensed Producers can't provide fresh cannabis for juice. And the Smith case in 2015 said patients have a right to juice.

For $2, you can join her in demanding your right to juice and the only way you'll ever get it is to get all the pot prohibitions struck down. m

As always, all kits from http:johnturmel.com/kits but this one has instructions http://johnturmel.com/insjuice.pdf

The other actions don't aim to strike down the prohibitions, they aim to strike down bad provisions in the exemption regime. But this is the killer application. Spend the $2 and join the final attack.

THIS IS EXHIBIT "80" 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-1932-18

FEDERAL COURT

Between:

JOHN C. TURMEL

Plaintiff

AND

Her Majesty The Queen

Defendant

STATEMENT OF CLAIM

(Pursuant to S.48 of the Federal Court Act)

FACTS

1. The Plaintiff seeks a declaration that the:
A) CDSA prohibitions on marijuana in the CDSA are invalid for impeding the supply of fresh cannabis marijuana needed to make juice, the denial of which was found to be a violation of the Charter in S.7 in R. v. Smith [2015] that not in accordance with principles of fundamental justice to not be arbitrary, grossly disproportional, conscience-shocking, incompetent, malevolent, or in the alternative,
B) provisioners of fresh cannabis marijuana for juice to licensed patients are exempted from the prohibitions in the CDSA.

THE PARTIES

2. The Plaintiff seeks declaratory relief pursuant to S.24(1) of the Charter of Rights and Freedoms as A) a patient who has established medical need by possessing a Health Canada Authorization #-_____ to use marijuana for medical purposes or as B) a Canadian with the right to use marijuana for recreational purpose but also wants to use it for medical purpose but who still cannot be lawfully provisioned with fresh cannabis for the health benefits because of the impediment of the CDSA prohibitions on my medication.

3. The Defendant, Her Majesty the Queen in Right of Canada, as represented by the Attorney General of Canada, is named as the representative of the Federal Government of Canada and the Minister of Health for Canada who is the Minister responsible for Health Canada and certain aspects of the Controlled Drugs and Substances Act including the Narcotic Control Regulations, the Marihuana Medical Access Regulations and program and the Marihuana for Medical Purposes Regulations and program.

BACKGROUND

4. The Supreme Court of Canada in R. v. Smith [2015] ruled the prohibition on "non-dried" forms of cannabis marijuana violated the Plaintiff's S.7 Charter Rights thus legalizing Plaintiff's use of fresh juice for medical purposes.

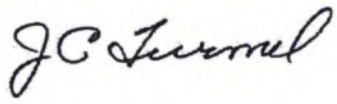
5. On Feb 24 2016, the decision in Allard v. HMQ [2016] declared the MMPR Regime entirely unconstitutional, such declaration suspended 6 months before taking effect.

6. Though the Supreme Court has declared Plaintiff's right to fresh juice, they remain legally unprovisionable evidenced by recent raids on Toronto cannabis dispensaries.

7. With no other reasonable source of provision, Plaintiff's Supreme Court-declared Charter right to use fresh juice is illusory. Having the right to other forms but not being able to get any is analogous to the Hitzig decision pronouncing that having the right to marijuana but not being to get enough supply made the then exemption "illusory." For juice we have no supply.

8. Pursuant to the R. v. Parker [2000] Order that the prohibition is invalid absent a valid exemption, and the Hitzig declaration of absent exemption meant the prohibition was invalid and 4,000 charges were dropped across Canada whether medically-needy or not, an illusory exemption herein for other legal forms of ingestion makes for an absent exemption during which the prohibition has once again been invalid.

9. The Plaintiff proposes this action be tried in the City of Toronto, Province of Ontario
Dated at Brantford on Oct 26 2018



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

File No: _____

FEDERAL COURT

BETWEEN:

John Turmel

Plaintiff

and

Her Majesty The Queen

Defendant

STATEMENT OF CLAIM

(Pursuant to S.48 of

the Federal Court Act)

For the Plaintiff:

John C. Turmel, B.Eng.,

50 Brant Ave.,

Brantford, N3T 3G7,

Tel/Fax: 519-753-5122,

Email: johnturmel@yahoo.com

SERVICE ADMITTED ON
NOV 05 2018
ON BEHALF OF THE
DEPUTY ATTORNEY GENERAL OF CANADA
[signature]
By: _____
Department of Justice, Ontario Regional Office

2:52

I HEREBY CERTIFY that the above document is a true copy of the original issued out of / filed in the Court on the _____ day of NOV 05 2018 A.D. 20__
Dated this NOV 05 2018 20__

YOGINDER GULIA
REGISTRY OFFICER
AGENT DU GREFFE

THIS IS EXHIBIT "81" 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

Date: 20200421

Docket: T-1932-18

BETWEEN:

JOHN C. TURMEL

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

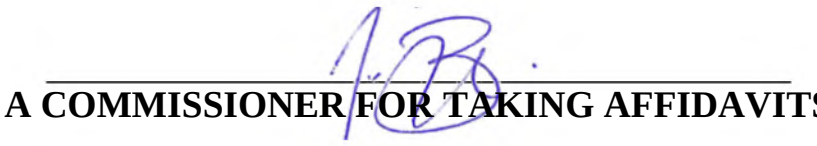
CERTIFICATE OF ASSESSMENT

I HEREBY CERTIFY that the Defendant's Bill of Costs has been assessed and allowed in the amount of $450.00.

"Garnet Morgan"
Assessment Officer

CERTIFIED AT TORONTO, ONTARIO, this 21st day of April 2020.

THIS IS EXHIBIT "82" 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'S COURT KITS

BLOG Reports

FEDERAL COURT STATEMENTS OF CLAIM:

FOR DAMAGES AND EXEMPTION FROM COVID RESTRICTIONS
http://SmartestMan.Ca/c19ins.pdf are instructions for a Statement of Claim to prohibit or be exempted from Covid Mitigation Restrictions and for damages.

FOR DAMAGES FROM DELAY OF AUTHORIZATIONS AND AMENDMENTS
http://johnturmel.com/insdel.pdf has all instructions
The processing for many ACMPR grow permits has taken up to 39 weeks. Under the MMAR, under 4 weeks. Claim for the whole year if they made you miss the outdoor season. My blog has all my reports on recent applications, renewals and amendments that have been speeded up with $2 Federal Court Claims and Motions to see a judge.
If you applied and have waited over 4 weeks and want to bump your Authorization or Renewal to the top of their attention, you can file a $2 Statement of Claim for the value of your prescription over the improperly-delayed period and for the full term of your prescription renewal!! If no action, file a motion for interim remedy after 2 months!

TO STRIKE 150 GRAM LIMIT
http://johnturmel.com/ins150.pdf has all instructions
If you a prescription for a large dosage per day and the 150 possession and shipping limit is a bother, join those applying to strike the 150 gram limit leaving only the 30-day supply limit. The motion for interim relief asks for a 10-day supply like that granted to four Plaintiffs by the B.C. Superior Court in Garber v. HMTQ.

TO STRIKE CDSA PROHIBITIONS FOR PREVENTION OF JUICE SUPPLY
http://johnturmel.com/insjuice.pdf has all instructions
This Statement of Claim is to strike the prohibitions because you need local production for non-psychoactive juice or for exemptions to those who provide fresh cannabis marijuana for your juice.

TO STRIKE 2-PATIENT/GROWER & 4 LICENSE/SITE CAPS
http://johnturmel.com/insdp.pdf has all instructions
If you are a Designated Person to grow for someone, you are limited to only 2 patients and the site is limited to only 4 licenses, this Statement of Claim seeks to strike down the caps on patients and licenses so you can grow for as many as is economically possible.

TO STRIKE GROWER 10-YEAR CRIMINAL RECORD BAN
http://johnturmel.com/inscr.pdf has all instructions
If you have a criminal record for a cannabis offence in the past 10 years, strike the ban on your being a Designated Person to grow marijuana.

DAMAGES FOR HARASSING DOCTORS TO REDUCE DOSAGES (coming)
http://johnturmel.com/insharr.pdf has all instructions
If you are a person who has had your prescription cancelled or reduced due to calls from Health Canada and Doctor Association harassing your doctor, this claim seeks damages for the value of the cannabis lost due to the reduction and/or for the cost of getting another prescription from a brave commercial doctor willing to stand the

pressure.

Other claims are on the way.

CRIMINAL COURTS

CRIMINAL SELF-DEFENCE KITS FOR THOSE CHARGED:

NOTICE OF APPLICATION FOR RETURN OF CONTROLLED SUBSTANCE
http://johnturmel.com/return.pdf or http://johnturmel.com/return.docx if you can't change a pdf.
To be filed within 60 days of bust or as soon thereafter as possible. We got pot back after 7 months.

QUASH CHARGES
No Quash for new Cannabis Act. Only against the new ACMPR:
Quash forms kit: http://johnturmel.com/acmprq.docx to type in and http://johnturmel.com/acmprq.pdf to write in data.
ACMPR Quash forms kit for Quebec: http://johnturmel.com/acmprqq.docx to type and
http://johnturmel.com/acmprqq.pdf to write.
For MMPR (pre-Aug 24 2016) Quash form kit, go to page Allard-Smith BENO Quash-Return Kits:
http://johnturmel.com/allard
R. v. Peddle decision preventing Crown from staying charge, only withdrawal allowed
http://johnturmel.com/peddle2003.pdf

"MERNAGH PLUS WHY?" CHARTER CHALLENGE

This is the constitutional motion form kit used pre-trial to challenge the MMAR exemption if the court would not accept the pre-plea quash motion that Parker and Krieger had already killed it. This is the Mernagh Plus Why application that's going to take a 3-week hearing like his did. Except we're objecting to two dozen different torts in the MMAR, not just lack of doctors. You will also need my Expert Report in the Mathematics of Gambling giving opinion that the torts in the regimes reduce the chance of surviving in violation of the Section 7 Right to Life.
Ontario:
http://johnturmel.com/consnew.pdf to fill out by pen and
http://johnturmel.com/consnew.docx to fill out with Word.
Expert Witness Report
http://johnturmel.com/consxpt.pdf for pen or http://johnturmel.com/consxpt.docx for Word
Quebec:
http://johnturmel.com/consnewq.pdf for pen or http://johnturmel.com/consnewq.docx forWord.
http://johnturmel.com/consxptq.pdf or http://johnturmel.com/consxptq.docx

Witnesses Will-Says to Constitutional Torts in Charter Challenge
http://johnturmel.com/willsaypatient.pdf or http://johnturmel.com/willsaypatient.docx are a template for your witness to detail the non-medical reasons used by their doctors to refuse to participate in the exemption regimes.
http://johnturmel.com/willsayagent.pdf or http://johnturmel.com/willsayagent.docx are a template for your witness to detail helping people find doctors when they could not find one themselves.

Notice of Constitutional Question must be faxed to the Provincial Attorney General numbers on the document 30 days before the hearing of the motion.
http://johnturmel.com/consq.pdf by pen or http://johnturmel.com/consq.docx by Word
Quebec: http://johnturmel.com/consqq.pdf or http://johnturmel.com/consqq.docx
Affidavit of Service that you faxed it to all their numbers.
http://johnturmel.com/consqs.pdf or http://johnturmel.com/consqs.docx
Quebec: http://johnturmel.com/consqsq.pdf or http://johnturmel.com/consqsq.docx

Serve the Notice on your Prosecutor, get service on the back of another, get a J.P. or lawyer (do not pay) to commission your Affidavit of Fax Service, and file both the Notice with service on the back and the Affidavit of Fax service with the Registrar.
Bring one copy of any document to the Crown's office and ask them to sign accepting service on the back of another copy. No need to use the Affidavit of Service blurb on the back if the Crown office signs for service. If, for some nasty reason, they won't accept service, leave them a copy, fill out the Affidavit of Service on the back of the second copy stating you left a copy at the Crown's office on such a date, find a Justice of the Peace to commission your oath (for free) when you, the affiant, sign. Or ask any suit in the courthouse if he's a lawyer who can commission your oath. 99% will say sure (for free). Only one service copy is needed, on the back of the Record, you give to the court.

John "MedPot Engineer" Turmel Tel:519-753-5122 http://johnturmel.com http://johnturmel.com/kotpmari.htm

http://facebook.com/john.turmel

johnturmel@yahoo.com
50 Brant Ave. Brantford N3T 3G7 Tel: 519-753-5122 Cell: 519-209-1848

RETURN TO:

Turmel BLOG

Medpot Self-Defence kits explanations

Self-Defender Wins Page

MedPot Combat Engineer's page

MedPot Engineer's Yahoogroup

MedPot Timeline of decisions since Parker (1997-2005)

KingofthePaupers YouTube Channel

John Turmel's Home Page

Facebook Wall for Current Comments

KingofthePaupers YouTube Channel or John Turmel's Home Page or Facebook Wall for Current Comments

File No: _____

FEDERAL COURT

Between:

_____

Plaintiff

AND

Her Majesty The Queen

Defendant

STATEMENT OF CLAIM

(Pursuant to S.48 of the Federal Court Act)

FACTS

1. The Plaintiff seeks a declaration that the:
A) prohibitions on marijuana in the Cannabis Act & Regulations are invalid for impeding the supply of fresh cannabis marijuana needed to make juice, the denial of which was found to be a violation of the Charter in S.7 in R. v. Smith [2015] that not in accordance with principles of fundamental justice to not be arbitrary, grossly disproportional, conscience-shocking, incompetent, malevolent, or in the alternative,
B) provisioners of fresh cannabis marijuana for juice to licensed patients are exempted from the prohibitions in the Cannabis Act & Regulations.

THE PARTIES

2. The Plaintiff seeks declaratory relief pursuant to S.24(1) of the Charter of Rights and Freedoms as A) a patient who has established medical need by possessing a Health Canada Authorization #-_____ to use marijuana for medical purposes or as B) a Canadian with the right to use marijuana for recreational purpose but also wants to use it for medical purpose but who still cannot be lawfully provisioned with fresh cannabis for the health benefits because of the impediment of the Cannabis Act & Regulations prohibitions on my medication.

3. The Defendant, Her Majesty the Queen in Right of Canada, as represented by the Attorney General of Canada, is named as the representative of the Federal Government of Canada and the Minister of Health for Canada who is the Minister responsible for Health Canada and certain aspects of the Cannabis Act & Regulations.

BACKGROUND

4. The Supreme Court of Canada in R. v. Smith [2015] ruled the prohibition on "non-dried" forms of cannabis marijuana violated the Plaintiff's S.7 Charter Rights thus legalizing Plaintiff's use of fresh juice for medical purposes.

5. On Feb 24 2016, the decision in Allard v. HMQ [2016] declared the MMPR Regime entirely unconstitutional, such declaration suspended 6 months before taking effect.

6. Though the Supreme Court has declared Plaintiff's right to fresh juice, they remain legally unprovisionable evidenced by recent raids on Toronto cannabis dispensaries.

7. With no other reasonable source of provision, Plaintiff's Supreme Court-declared Charter right to use fresh juice is illusory. Having the right to other forms but not being able to get any is analogous to the Hitzig decision pronouncing that having the right to marijuana but not being to get enough supply made the then exemption "illusory." For juice we have no supply.

8. Pursuant to the R. v. Parker [2000] Order that the prohibition is invalid absent a valid exemption, and the Hitzig declaration of absent exemption meant the prohibition was invalid and 4,000 charges were dropped across Canada whether medically-needy or not, an illusory exemption herein for other legal forms of ingestion makes for an absent exemption during which the prohibition has once again been invalid.

9. The Plaintiff proposes this action be tried in the City of _____, Province of _____
Dated at _____ on _____ 20___.

_____
Name: _____
Address: _____
Tel/fax: _____
Email: _____

File No: _____

FEDERAL COURT

BETWEEN:

_____

Plaintiff

and

Her Majesty The Queen

Defendant

STATEMENT OF CLAIM

(Pursuant to S.48 of

the Federal Court Act)

For the Plaintiff:

Name: _____

Address: _____

_____

Tel/fax: _____

Email: _____

STRIKE CDSA PROHIBITIONS
FOR PREVENTION OF JUICE SUPPLY
FEDERAL COURT FORMS
http://johnturmel.com/kits

STATEMENT OF CLAIM TO STRIKE CDSA PROHIBITIONS
FOR PREVENTION OF JUICE SUPPLY
http://johnturmel.com/juicesc2.pdf is the new Statement of Claim to declare the prohibitions unconstitutional in the new Cannabis Act because you need local production for non-psychoactive juice or for exemptions to those who provide fresh cannabis marijuana for your juice used if you can amend a PDF or want to print and fill it out by pen on paper.
http://johnturmel.com/juicesc2.docx is the Statement of Claim in Word.

Fill in the blanks, including your town and province, then follow the instructions at http://johnturmel.com/efiling.pdf to prepare and file with the registry.

Any problems, call John @ 519-753-5122

John Turmel's Blog:
https://groups.google.com/forum/#!forum/alt.fan.john-turmel

THIS IS EXHIBIT "83" 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: Medpot Grow Permit "Delayeds" Federal Court $2 Statement of Claim kit

2 views

KingofthePaupers Sep 9, 2017, 6:34:06 PM

to

TURMEL: Medpot Grow Permit "Delayeds" Federal Court $2 Statement of Claim kit

The processing for many ACMPR grow permits has taken over 20 weeks. Under the MMAR, 10 weeks. Here's how it was sped up:

On Mar 17 2017, Waylon O'Reilly mailed in his ACMPR application to grow his own.
On July 10 2017, after waiting 16 weeks, he filed a motion in Federal Court for an exemption to grow until it came.
On July 12 2017, Health Canada approved and mailed his permit.

On May 25 Dominic Gravel sent in his Health Canada ACMPR application to grow his own marijuana. Having been told by a staffer that Health Canada had only 4 workers processing applications.
After 13 weeks on Friday Aug 25 2017, he filed a Damages Statement of Claim against Health Canada for taking longer than 10 weeks to process his grow application.

On Sep 5 2017, Health Canada approved his permit. Just under 15 weeks.

If you applied and have waited over 10 weeks and want to bump your application to the top of their attention, you can file a $2 Statement of Claim for the value of your prescription over the improperly-delayed period.

http://johnturmel.com/delscins.pdf has all the instructions.
Come on Goldstars, we've done this before.
Time to find your friends who are victims of this 4-man bureaucracy and swamp them with claims.

Remember, it takes under 10 minutes to file your claim!

Do send me an email when you file so I can keep track of the new team. And make sure to always get certified documents. Don't click you've received it by email unless you can mention that you still want your paper Gold-starred copy.

I would bet that there are thousands of applications being stalled. Let this move spread like wild-fire.

THIS IS EXHIBIT "84" 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: _____

FEDERAL COURT

Between:

_____

Plaintiff

AND

Her Majesty The Queen

Defendant

STATEMENT OF CLAIM

(Pursuant to S.48 of the Federal Court Act)

1. The Plaintiff seeks

A) a declaration that the long processing time for Access to Cannabis for Medical Purposes Regulations ("ACMPR") Production Registrations and Renewals violates the patient's S.7 Charter Right to Life, Liberty, Security not in accordance with principles of fundamental justice to not be arbitrary, grossly disproportional, conscience-shocking, incompetent, malevolent; and claims remedy in unspecified damages under S.24 of the Charter in the amount of the value of the Applicant's prescription and lost site rent and expenses during any delay which this Court may rule inappropriate for a reasonable processing time for Registrations for medication, and

B) a declaration that back-dating the period from the Effective Date for Registration or Expiry Date for Renewals under the MMAR S.33(a) to the date the doctor signed under the ACMPR S.8(2b) violates the patient's S.7 Charter Rights not in accordance with principles of fundamental justice to not be grossly disproportional, arbitrary, conscience-shocking, incompetent, malevolent; and claims remedy for the full term of the prescription to take effect on the Effective Date of the Registration and on the Expiry Date of a Renewed Registration like the Health Card, Driver's License and MMAR.

THE PARTIES

2. The Plaintiff is a person Possessing a Medical Document to use cannabis for medical purposes under the ACMPR.

3. The Defendant, Her Majesty the Queen in Right of Canada, as represented by the Attorney General of Canada, is named as the representative of the Federal Government of Canada and the Minister of Health for Canada who is the Minister responsible for Health Canada and certain aspects of the Controlled Drugs and Substances Act including the Narcotic Control Regulations and the ACMPR.

FACTS

4. On _____, 201__, Plaintiff submitted an Application under the ACMPR for a Registration to grow cannabis for medical purposes.
[ ] Registration has not yet been received.
[ ] Registration #MCR-_____ has been received Effective Date _____ 201__ with Expiry Date _____ 201__.

5. [optional for renewers] On _____, 201__, Plaintiff submitted a new medical document to renew the Registration.
[ ] Renewal of Registration has not yet been received.
[ ] Renewal has been received Effective Date _____ 201__ with Expiry Date _____ 201__.

6. Under the MMAR, the time to process an application to produce marijuana was touted before this Court by Dr. Stephane Lessard, Controlled Substances and Tobacco Directorate, as "done in under 4 weeks. Renewals far less." Reported 2 weeks!

7. With only production Registrations to deal with, the ACMPR may now take 30 weeks to process only these 10 data fields: Name; Date of birth; Daily quantity; Possession limit; Name of Health Care Practitioner; Production area (outdoor); Production site address; Maximum number of plants outdoor; Maximum storage Quantity; Storage Address.

8. The MMAR S.33(a) Registration began on the Effective Date of issuance and renewed on the same date each year. The ACMPR S.8(2b) Registrations and Renewals are back-dated to when the doctor signed the medical document reducing the term of Registration and Renewal by the time to process the application. A Health Card or Driver's License is yearly and not back-dated to the date the renewal is filed.

9. Not only is over 6 months to key in the data unconscionable but by short-changing from the full-term Registration under MMAR S.33(a) to a half-term Registration under ACMPR S.8(2b), Applicants or Renewers always get less than the full term of medication prescribed by the measure of the unconscionable

amount of time spent for processing. Plaintiff submits that two 1-year prescriptions should end up being 24 months of Registration and asks this Court to strike down ACMPR S.8(2b) and return the time short-changed from patients' Registrations and Renewals.

11. Having to see the doctor more often does cost Plaintiff more money and having to wait for the mail to find out if the Registration was renewed before expiry date when everything would have to be destroyed does cause Plaintiff more stress.

The Plaintiff proposes this action be tried in the City of _____, Province of _____.

Dated at _____ on _____ 201__.

_____

Plaintiff Signature

Name: _____

Address: _____

_____

Tel/fax: _____

Email: _____

File No: _____

FEDERAL COURT

BETWEEN:

_____

Plaintiff

and

Her Majesty The Queen

Defendant

STATEMENT OF CLAIM

(Pursuant to S.48 of

the Federal Court Act)

For the Plaintiff:

Name: _____

Address: _____

_____

Tel/fax: _____

Email: _____

ACMPR PERMIT DELAY FEDERAL COURT FORMS
From http://johnturmel.com/timeback.pdf
From http://johnturmel.com/kits

STATEMENT OF CLAIM FOR DELAYS & RESTITUTION

http://johnturmel.com/delsc5.pdf is the Statement of Claim
for slow approval or renewal used if you can amend a PDF
or want to print and fill it out by pen on paper.
http://johnturmel.com/delsc5.docx is the Statement of Claim in Word.
http://johnturmel.com/delasc.pdf is for slow amendment.
http://johnturmel.com/delasc.docx uses Word if you can't amend a PDF
1) Sign on a blank page. Scan. Select your signature and
save it to jpg.
2) Add your personal info to the delsc5.docx file and insert
your signature jpg.
3) Save As Type: Click PDF and save as "delsc5.pdf"

Once completed, you can:
a) file with the online efiling system, receive confirmation
number, get call asking for $2, get File Number T-xxxx-yy
VIDEO on how to file: https://youtu.be/OynzTV2MAyQ
b) bring 4 copies to the Registry, pay $2, get your T-File
number and a certified Gold Star copy;
c) mail 4 copies to nearest Registry. Get a call for $2 fee.
http://www.cas-satj.gc.ca/en/operations/locations.shtml
Always ask for a certified copy with Gold Star.

ONLINE E-FILING OF STATEMENT OF CLAIM
https://efiling.fct-cf.gc.ca/efiling/flngstp1?1

Click English
Proceeding Type: Click Federal Court
Proceeding Subject: Click Against the Crown
Proceeding Nature: Click Others - Crown (v. Queen)[Actions]
Click: Ordinary
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Click "Add Party" button
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Type: Click Individual
First Name: Type yours
Last Name: Type yours
Click Save

Click "Add Party" button
Role: Click Defendant
Type: Click Other
Full Name: Her Majesty The Queen
Click Save
Click Next

Click Add Document
Type: Click Statement of Claim (Section 48)
Document Language: Click English
Document File Name: Click Choose File
Click on your final signed delsc.pdf file.
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Don't click "Urgent" for the Statement of Claim.
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Click Submit if you are satisfied. You will get a confirmation number. Registry then calls for the $2 fee by credit card and give you a File number format T-xxxx.18.

Registry serves the Statement of Claim on the Crown. You do nothing else. Lead Plaintiff does the arguing for the group. You will get an email asking to let Lead Plaintiff Jeff Harris have your contact information. Say yes.

You will get an email informing you about the Dec 11 2017 Order of Judge Brown at http://johnturmel.com/FCC171211.pdf with the conditions laid down for our action. You need do nothing about it.

MOTION FOR INTERIM PERMIT FROM JUDGE

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http://johnturmel.com/delrn1.docx Renewal over 2 weeks
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Use Word docx file if you can't amend a PDF
1) Sign on a blank page. Scan. Select your signature and save it to jpg.
2) Add your personal info to the deln1.docx file and insert your signature jpg in all the blanks in the Motion Record except the Affidavit signature. Print it and get it sworn (free by a Court Clerk) or a lawyer, or maybe a Service Canada, Service Quebec, City Hall!
Now make your PDF. Scan the page with your signature and the commissioner's signature on the affidavit and insert it to replace the page in your docx file.
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Append your Motion Record PDF to an email to Crown counsel wendy.wright@justice.gc.ca with
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PDF#3 LETTER FOR DIRECTION TO ALLOW METADATA
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Enter the 4 required data again.
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Lead Plaintiff Jeff Harris will be invited to attend any motions
that make it to a hearing. Usually, they get your permit to you before
the hearing date set by the judge to mooten the hearing.

Any problems, call John @ 519-753-5122

John Turmel's Blog:
https://groups.google.com/forum/#!forum/alt.fan.john-turmel

This is http://johnturmel.com/delscins.pdf instructions for the
Statement of Claim for the Delays and Restitution of the time
ripped-off from the period of use.
Do print this page out to make following instructions easier.

THIS IS EXHIBIT "85" mentioned and referred to in the affidavit of LISA MINAROVICH SWORN by video conference before the Commissioner the City of Toronto in the Province of Ontario, to the City of Brampton, in Regional Municipality of Peel, this 31st day of May, 2022

A COMMISSIONER FOR TAKING AFFIDAVITS

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T-1370-17 *Denney, Robert James v HMQ*
T-1375-17 *McAmmond, Robert Dylan v HMQ*
T-1379-17 *Harris, Allan J v HMQ*
T-1380-17 *Abbott, Collen v HMQ*
T-1425-17 *Beaudoin, Denise v HMQ*
T-1454-17 *Cecutti, Ashley v HMQ*
T-1468-17 *Olisemeka, Emeka v HMQ*
T-1474-17 *Martin, Jamie Aaron v HMQ*
T-1478-17 *Norris, Melissa v HMQ*
T-1479-17 *Therrien, Raymond Roger v HMQ*
T-1499-17 *Westlake, Jeffrey v HMQ*
T-1500-17 *MacDonald, Brock Sutherland v HMQ*
T-1523-17 *O'Reilly, Waylon v HMQ*
T-1524-17 *Van Edig, Anthony William v HMQ*
T-1582-17 *Allman, Jason v HMQ*
T-1626-17 *Marino, John v HMQ*
T-1654-17 *Jackes, Arthur v HMQ*
T-1700-17 *McIntosh, Stephen J.A v HMQ*
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T-1908-17 *Eldas, Kamil v HMQ*
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T-2101-17 *Bertrand, Helene v HMQ*
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T-4-18 *Plouffe Van Edig, Nicole v HMQ*
T-22-18 *Vallée, Marie-Pier v HMQ*
T-75-18 *Melchior, Ginette v HMQ*
T-92-18 *Mozajko, Igor v HMQ*
T-100-18 *Howard, Peter William v HMQ*
T-124-18 *Lafèrriere, Andrée v HMQ*
T-134-18 *Johnsgaard, Terry Dale v HMQ*
T-144-18 *Chartrand, Heidi v HMQ*
T-152-18 *Potvin Lefebvre, Philippe v HMQ*
T-169-18 *Axtell, William Thomas v HMQ*
T-174-18 *Archambault Giroux, Xavier v HMQ*
T-192-18 *Lamarche, André Jr. v HMQ*
T-198-18 *St.-Pierre, Jonathan v HMQ*
T-207-18 *Pépin, Jacques v HMQ*
T-214-18 *Pépin, David v HMQ*
T-215-18 *Potvin, Marc v Sa Majesté*
T-216-18 *Maisonneuve-Potvin, David v HMQ*
T-298-18 *Thibodeau, Karine v HMQ*
T-302-18 *Prosper, Nicholas v HMQ*
T-327-18 *Courcelles, Jonathan v HMQ*
T-340-18 *Garfalo, David v HMQ*
T-341-18 *Roy, Bruno v HMQ*
T-342-18 *Gordon, Miguel v HMQ*
T-343-18 *Pélissier, Charline v HMQ*
T-345-18 *Letourneau, Patrice v HMQ*
T-346-18 *Hebert, Alexis v HMQ*
T-354-18 *Slamko, Lindsay v HMQ*
T-363-18 *Chayer-Poulin, Mathieu v HMQ*

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T-373-18 *Caza-Lapointe, Nicholas v HMQ*
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T-415-18 *Anderson, Michael Scott v HMQ*
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T-552-18 *Rousseau, William v HMQ*
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T-576-18 *Morin, Pascale-Fannie v HMQ*
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T-602-18 *Huffman, Jordan v HMQ*
T-614-18 *Tran, Christopher v HMQ*
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T-620-18 *Ficocelli, Antiono v HMQ*
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T-660-18 *Joanisse, Lynn-Marie v HMQ*
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T-732-18 *Guertin Moreau, Dominic v HMQ*
T-745-18 *Doucet Beauchamp, Marc-Andre v HMQ*
T-749-18 *Karam, Jad v HMQ*

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T-793-18 *Gosselin, Jérome v HMQ*
T-796-18 *Beland-Brisson, Gustav v HMQ*
T-801-18 *Balantes, John v HMQ*
T-802-18 *Ridyard, Catherine v HMQ*
T-811-18 *Larose, Jacques v HMQ*
T-812-18 *Caron, Marie-Clotilde v HMQ*
T-813-18 *Nguyen, Long Van v HMQ*
T-814-18 *Tran, Anh Thi Huynh v HMQ*
T-822-18 *Graham, Roy Andrew v HMQ*
T-828-18 *Trottier, Jessyca v HMQ*
T-829-18 *Mercier, Marc-Elie v HMQ*
T-831-18 *Beaupré, Alexandre v HMQ*
T-849-18 *Truman, Kent Wilfred v HMQ*
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T-881-18 *Harris, Allan J. v HMQ*
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T-920-18 *Bowland, Richard v HMQ*
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T-1059-18 *Constantineau, Dany v HMQ*
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T-1143-18 *Leduc, Linda v HMQ*
T-1144-18 *Tessier, François v HMQ*
T-1145-18 *Dubois, Mathieu Fleurant v HMQ*
T-1154-18 *Burnell-Jones, Andrew-Thomas v HMQ*
T-1157-18 *Bedard, Simon v HMQ*
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T-2024-19 *Hallelujah, Paul v HMQ*
T-2029-19 *Alexandre, Pierre Stanley v HMQ*
T-2092-19 *Cully, Patrick v HMQ*
T-529-20 *Nguyen, Hung Van v HMQ*
T-761-20 *Williams, Christopher v HMQ*
T-789-20 *Lampron, Yves v HMQ*
T-790-20 *Pepin, David v HMQ*
T-791-20 *Bouchard, Marie Marthe v HMQ*
T-792-20 *Berman, Aurora v HMQ*
T-793-20 *Boucher, Carl v HMQ*
T-794-20 *Arcand, Renee v HMQ*
T-796-20 *Nguyen, Antoine Truong An v HMQ*
T-796-20 *Paquette, Cynthia v HMQ*
T-797-20 *Pepin, Jacques v HMQ*
T-971-20 *Ayala, Fabian Alvarado v HMQ*

T-1045-20 *Campbell-Hector, Travis v HMQ*
T-1202-20 *Dumulong, Simon v HMQ*
T-1465-20 *Sirois, Sylvain v HMQ*
T-1466-20 *Hupe, Brigette v HMQ*
T-107-21 *Sagala, Luc v HMQ*
T-133-21 *Donahue, Robert v HMQ*
T-180-21 *St-Maurice, Patrick v HMQ*
T-181-21 *Bouchard, Pierre Jr. v HMQ*
T-193-21 *Pilon, Gisele v HMQ*
T-691-21 *St-Germain, Sylvain v HMQ*
T-692-21 *Mozajko, Igor v HMQ*

THIS IS EXHIBIT "86" 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-1379-17

FEDERAL COURT

BETWEEN:

ALLAN J HARRIS

Applicant/Plaintiff

and

HER MAJESTY THE QUEEN

Respondent/Defendant

AMENDED STATEMENT OF CLAIM

(Pursuant to S.48 of the Federal Court Act)

(Pursuant to the Mar 1 2018 Order of Brown J.)

1. The Plaintiff seeks

A) a declaration that the long processing time for Access to Cannabis for Medical Purposes Regulations ("ACMPR") Production Registrations and Renewals violates the patient's S.7 Charter Right to Life, Liberty, Security with no principle of fundamental justice such as war or emergency to necessitate and absolve such violations; and claims remedy in unspecified damages under S.24 of the Charter in the amount of the value of the Applicant's prescription during any delay which this Court may rule inappropriate for a reasonable processing time for Registrations for medication, and

B) a declaration that back-dating the period of Registration and Renewal from the Effective Date for Registration or Expiry Date for Renewals as under the MMAR to the date the doctor signed under the ACMPR violates the patient's S.7 Charter Rights and claims remedy for the full term of the prescription to take effect on the Effective Date of the Registration and on the Expiry Date of a Renewed Registration like the Health Card, Driver's License and MMAR.

THE PARTIES

2. The Plaintiff is a person Possessing a Medical Document to use cannabis for medical purposes under the ACMPR.

3. The Defendant, Her Majesty the Queen in Right of Canada, as represented by the Attorney General of Canada, is named as the representative of the Federal Government of Canada and the Minister of Health for Canada who is the Minister responsible for Health Canada and certain aspects of the Controlled Drugs and Substances Act including the Narcotic Control Regulations and the ACMPR.

FACTS

4. On June 11, 2017, Plaintiff submitted an Application under the ACMPR for a Registration to grow cannabis for medical purposes.
[ ] Registration has not yet been received.
[X
] Registration #MCR-60872 has been received Effective Date October 11 2017 with Expiry Date Mar 23, 2018.

5. [optional for renewers] On _____, 201__, Plaintiff submitted an new medical document to renew the Registration.
[ ] Renewal of Registration has not yet been received.
[ ] Renewal has been received Effective Date _____ 201__ with Expiry Date _____ 201__.

6. Under the MMAR, the time to process an application to produce marijuana was touted before this Court by Dr. Stephane Lessard, Controlled Substances and Tobacco Directorate, as "done in under 4 weeks. Renewals far less." Reported 2 weeks!

7. With only production Registrations to deal with, the ACMPR may now take 30 weeks to process only these 10 data fields:
- Name;
- Date of birth
- Daily quantity
- Possession limit
- Name of Health Care Practitioner
- Production area (outdoor)
- Production site address
- Maximum number of plants outdoor
- Maximum storage Quantity
- Storage Address

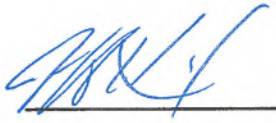
8. The MMAR Registration began on the Effective Date of issuance and renewed on the same date each year. The ACMPR Registrations and Renewals are back-dated to when the doctor signed the medical document reducing the term of Registration and Renewal by the time to process the application. A Health Card or Driver's License is yearly and not back-dated to the date the renewal is filed.

9. Not only is over 6 months to key in the data unconscionable but by short-changing from the full-term Registration under the MMAR to a half-term Registration under the ACMPR, Applicants or Renewers always get less than the full term of medication prescribed by the measure of the unconscionable amount of time spent for processing. Plaintiff submits that two 1-year prescriptions should end up being 24 months of Registration and asks this Court to return the time short-changed from patient's Registrations and Renewals and prevent any future short-changing.

11. Having to see the doctor more often does cost Plaintiff more money and having to wait for the mail to find out if the Registration was renewed before expiry date when everything would have to be destroyed does cause Plaintiff more stress.

The Plaintiff proposes this action be tried in the City of Vancouver, Province of British Columbia.

Dated at Vancouver on Mar 5 2018.



Plaintiff Signature

Allan J Harris
1101 9380 Cardston Crt, Burnaby BC V3N 4R5
604 570 0232, meatloaf@telus.net

For the Respondent:

Attorney General for Canada

File No: T-1379-17

FEDERAL COURT

BETWEEN:
ALLAN J HARRIS
Applicant

and

Attorney General of Canada
Respondent

AMENDED STATEMENT OF CLAIM

(Pursuant to S.48
of the Federal Court Act)

For the Applicant:
Allan J Harris
1101 9380 Cardston Crt,
Burnaby BC V3N 4R5
604 570 0232, meatloaf@telus.net

THIS IS EXHIBIT "87" 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: 20171124

Dockets: T-1324-17
T-1370-17
T-1375-17
T-1379-17
T-1380-17
T-1425-17

Ottawa, Ontario, November 24, 2017

PRESENT: The Honourable Mr. Justice Brown

Docket: T-1324-17

BETWEEN:

DOMINIC GRAVEL

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-1370-17

BETWEEN:

ROBERT JAMES DENNEY

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-1375-17

BETWEEN:

ROBERT MCAMMOND

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-1379-17

BETWEEN:

JEFF HARRIS

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-1380-17

BETWEEN:

COLLEEN ABBOTT

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-1425-17

BETWEEN:

DENISE BEAUDOIN

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

ORDER

WHEREAS the Case Management Conference ordered by Direction dated November 8, 2017, all parties having been duly served, proceeded November 23, 2017, by telephone conference at which all parties, except ROBERT JAMES DENNEY in T-1370-17, were present personally or by representative or had filed written submissions;

AND WHEREAS the said parties and representatives made submissions with respect to the management of these cases, and after considering matters arising;

THIS COURT ORDERS that:

1. No one having appeared for the Plaintiff ROBERT JAMES DENNEY in T-1370-17, the said Plaintiff's action being T-1370-17 may be dismissed without further notice unless the said Plaintiff ROBERT JAME DENNEY within 20 days of the date of this Order provides a satisfactory explanation for his failure to submit a proposed timeframe for conducting his action, including dates for the production of documents and proposed

discovery plan, and for his failure to attend the Case Management Conference as he was directed to do by Direction dated November 8, 2017;

2. Actions T-1379-17 and T-1380-17 are removed as simplified actions and shall hereafter proceed as regular actions;

3. T-1379-17 is designated as lead case;

4. Actions T-1324-17, T-1370-17, T-1375-17, T-1380-17 and T-1425-17 [the Remaining Actions] shall be held in abeyance with no further proceedings permitted without leave of the Court pending the determination of T-1379-17 (the lead case);

5. Determinations made in the lead case, T-1379-17, shall be used to determine the Remaining Actions;

6. The timetable for proceedings in T-1379-17 is:

(i) The Defendant's Motion to Strike and Motion Record shall be served and filed on or before January 4, 2018;

(ii) The Plaintiff's Motion Record shall be served and filed on or before February 5, 2018;

(iii) The Defendant's Reply shall be served and filed on or before February 12, 2018;

7. The Court shall determine if the Defendant's Motion to Strike will proceed under Rule 369 (*i.e.* in writing and without an oral hearing) after hearing submissions from the parties as set out in paragraph 6 thereof;

8. There is no order as to costs.

"Henry S. Brown"
Judge

Federal Court Cour fédérale

Date: 20171211

Docket: T-1379-17

Ottawa, Ontario, December 11, 2017

PRESENT: The Honourable Mr. Justice Brown

BETWEEN:

JEFF HARRIS

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

AND BETWEEN:

THE PARTIES IDENTIFIED IN SCHEDULE "A" ATTACHED HERETO

ORDER

WHEREAS the Case Management Conference ordered by Directions issued previously dated November 20, 2017 and December 1, 2017, all parties having been duly served, except the Plaintiff in T-1864-17 who attended having been contacted by the Registry, took place December 7, 2017, by telephone conference at which all parties, except the Plaintiffs in T-1474-17 (Jamie Martin), T-1499-17 (Jeffrey Westlake), T-1500-17 (Brock Sutherland MacDonald), were present;

AND WHEREAS after being informed of the Court's intention to make a case management Order in these cases similar to that made November 24, 2017 in T-1379-17 and other actions identified in that Order, and upon reading the submissions of some of the Plaintiffs and the Defendant, and hearing from several of the said Plaintiffs and counsel for the Defendant;

THIS COURT ORDERS that:

1. No one having appeared for the Plaintiffs in T-1474-17 (Jamie Martin), T-1499-17 (Jeffrey Westlake), and T-1500-17 (Brock Sutherland MacDonald), the said Plaintiffs' action may be dismissed without further notice unless the said Plaintiffs provide, no later than January 2, 2018, a satisfactory explanation for their failure to attend the Case Management Conference as they were directed to do;
2. The actions named in Schedule "A" hereto shall hereafter proceed as ordinary actions;
3. T-1379-17 is designated as lead action in respect of the actions named in Schedule "A";
4. The actions named in Schedule "A" hereto shall be held in abeyance with no further proceedings permitted without leave of the Court, pending the determination of T-1379-17 (the lead action);
5. Determinations made in the lead action, T-1379-17, shall be used to determine the actions named in Schedule "A", with the exception that T-1654-17 (Arthur Jackes) shall proceed separately but on the same timelines as set out in paragraph 6 below;
6. The actions named in Schedule "A" shall proceed on the same timelines as T-1379-17 namely:

(i) The Defendant's Motion to Strike and Motion Record shall be served and filed on the Plaintiffs in T-1379-17 and T-1654-17 on or before January 4, 2018;

(ii) The Plaintiffs' Motion Records shall be served and filed on or before February 5, 2018;

(iii) The Defendant's Reply shall be served and filed on or before February 12, 2018;

7. The Court shall determine if the Defendant's Motion to Strike will proceed under Rule 369 (*i.e.* in writing and without an oral hearing) of the *Federal Courts Rules* after considering submissions from the parties as set out in paragraph 6 thereof;

8. All actions commenced in this Court before, on, or after the date of this Order, which are to be, or have already been identified by the Defendant to the Court, or may be identified by the Registry, that are the same or substantially similar to T-1379-17, shall proceed as ordinary actions and be specially managed in accordance with paragraphs 3, 4, 5, 6 and 7 hereof, and all subsequent Orders and Directions made in respect of T-1379-17 shall apply thereto;

9. A copy of this Order shall be placed in all files covered by this Order and in those files covered by the Court's Order of November 24, 2017, and a copy of this Order shall be provided to all parties who are now or hereafter subject to this Order;

10. There is no order as to the costs of the said case management conference.

"Henry S. Brown"
Judge

SCHEDULE "A"

T-1474-17	T-1478-17	T-1479-17
T-1499-17	T-1500-17	T-1523-17
T-1524-17	T-1626-17	T-1654-17
T-1700-17	T-1752-17	T-1864-17

THIS IS EXHIBIT "88" 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-92-18

FEDERAL COURT

Between:

Igor Mozajko

Plaintiff

AND

Her Majesty The Queen

Defendant

STATEMENT OF CLAIM

(Pursuant to S.48 of the Federal Court Act)

1. The Plaintiff seeks

1) a declaration that:
A) the long processing time for Access to Cannabis for Medical Purposes Regulations ("ACMPR") Production Authorizations is a violation of the patient's S.7 Charter Right to Life; and
B)1) back-dating the start of the period of authorization from the Effective Date under the MMAR to when the doctor signed is a violation of the patient's S.7 Charter Right to Life; and
B)2) the period of use prescribed in the Medical Document will now start on the Effective Date of the Authorization.

2) damages from such unconstitutional processing delays.

THE PARTIES

2. The Plaintiff is a person Possessing a Medical Document to use cannabis for medical purposes under the ACMPR.

3. The Defendant, Her Majesty the Queen in Right of Canada, as represented by the Attorney General of Canada, is named as the representative of the Federal Government of Canada and the Minister of Health for Canada who is the Minister responsible for Health Canada and certain aspects of the Controlled Drugs and Substances Act including the Narcotic Control Regulations and the ACMPR.

FACTS

4. On Jan 24 2017, Plaintiff obtained a Medical Document for an Authorization to grow cannabis for medical purposes under the ACMPR for a period of 6 months.

5. Under the MMAR, the 6-month period began on the Effective Date the permit was issued. Under the ACMPR, it is back-dated to the date the doctor signed the medical document. The Authorization was not processed by the July 24 2017 expiry date of the medical document.

6. Starting over, on Sep 02 2017, Applicant submitted a new doctor's letter for a year in case it took over 6 months again. After 4 months, the "1-year" permit effective date Jan 09 2018 was back-dated to expire on Sep 02 2018. Under 8 months were authorized out of 18 months that were prescribed.

7. Under the MMAR, the time to process an application to produce marijuana was touted before this Court by Dr. Stephane Lessard, Controlled Substances and Tobacco Directorate, as "done in under 4 weeks." An exemption permit requires only these 10 information fields:

- Name
- Date of birth
- Daily quantity
- Possession limit
- Name of Health Care Practitioner
- Production area (outdoor)
- Production site address
- Maximum number of plants outdoor
- Maximum storage Quantity
- Storage Address

8. That's over 6 months to key that information into the computer for the first application and another 4 months to key in the second almost-identical data.

9. Because of the change from starting the period on the effective date under the MMAR to back-dating the period to the doctor's signature, Applicant under the ACMPR got under 8 months out of 18 months prescribed.

RELIEF SOUGHT:

10. Plaintiff seeks a

1) a declaration that

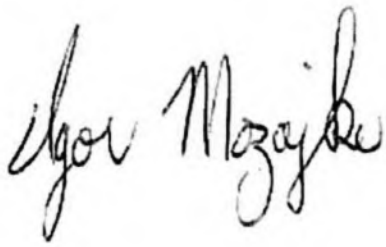
A) the long processing time for Access to Cannabis for Medical Purposes Regulations ("ACMPR") Production Permits is a violation of the patient's S.7 Charter Right to Life; and

B)1) back-dating the start of the period of authorization from the Effective Date to when the doctor signed is an violation of the patient's S.7 Charter Right to Life; and
B)2) the period of use prescribed in the Medical Document will now start on the Effective Date of the Authorization.

2) Plaintiff claims unspecified damages under S.24 of the Charter in the amount of the value of the Applicant's prescription during any delay which this Court may rule inappropriate for a reasonable processing time for permits for medication.

The Plaintiff proposes this action be tried in the City of Barrie, Province of Ontario.

Dated at Wasaga Beach Ontario on Jan 17 2018.



Igor Mozajko
9 Port Royal Trail
Wasaga Beach, L9Z 1H7
Tel/fax: 705-429-4708
hmozajko@rogers.com

File No: T-92-18

FEDERAL COURT

BETWEEN:

Igor Mozajko

Plaintiff

and

Her Majesty The Queen

Defendant

SERVICE ADMITTED ON

JAN 18 2018

ON BEHALF OF THE
DEPUTY ATTORNEY GENERAL OF CANADA
[signature]

By: _____
Department of Justice, Ontario Regional Office

STATEMENT OF CLAIM

(Pursuant to S.48 of the Federal Court Act)

For the Plaintiff:

Igor Mozajko
9 Port Royal Trail
Wasaga Beach, L9Z 1H7
Tel/fax: 705-429-4708
hmozajko@rogers.com

I HEREBY CERTIFY that the above document is a true copy of the original issued out of / filed in the Court on the JAN 17 2018 day of _____ A.D. 20___

Dated this JAN 17 2018 day of _____ 20___

NADINE HURMAL
REGISTRY OFFICER
AGENT DU GREFFE

THIS IS EXHIBIT "89" 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: Updated Statement of Claim for Medpot Grow Permits

8 views

KingofthePaupers Feb 4, 2018, 4:54:44 PM

to

TURMEL: Updated Statement of Claim for Medpot Grow Permits

JCT: After last week's hearing for Terry Johnsgaard, the Crown made a few points I have handled. I have always relied upon the S.7 Charter Right to Life, never bothered raising with Liberty and Security.

But Crown Jon Bricker made the point that the Right to Life may apply to a patient with cancer but not to a patient with a broken arm.

Good point if not talking about right to quality of life. Guy with the broken arm expires, gets busted, and only agonizes without medicine he can't afford. Guy with cancer expires, gets busted, and only dies without medicine he can't afford. Crown doesn't see a problem under Right to Life with Mr. Cancer but maybe with Mr. Broken Arm.

But not getting his medicine does engage the Right to Security that other cases like Hitzig and Allard always relied on. Never Life but always security of the person! Only I ever argued prohibition killed people, they argued it made them insecure. Sure, that too. So denial of medicine does engage the Right to Security of the person from harm if not death itself. So I've included the violation of the Right to Security to handle guys with broken arms, if not cancer.

Then Justice Brown made the point that though he wasn't so worried about those unauthorized waiting for their Registrations, he was surely concerned about those authorized whose expiry meant fines or jail if they did not destroy what they had and that engaged their S.7 Right Liberty.

Liberty was also engaged by Terry Parker for those without exemption yet. If Mr. Cancer's is waiting for his original Authorization and uses his medicine, his Right to Liberty is engaged. So that right is engaged by anyone using cannabis without an unexpired permit.

So I've amended the Statement of Claim so what wherever I'd said "Right to Life," I replaced with "Right to Life, Liberty, Security." Crown should be happy now. Or not.

One other point. In the Crown's motion to dismiss the claims as frivolous, they mention we don't offer a proper discussion of the "principles of fundamental justice" required to make a claim of constitutional violation.

Most people don't know what that means. It means that there

times when the government has to violate your rights due to war or emergency. Fundamental Justice in times of war, your Right to Life is gone when you hear: "Charge!" In times of national emergency, your Right to Security is gone when you hear: "Out of the house, we need it."

Now the Crown has demanded that we show that they are not fundamentally justified by a) war, b) plague, c) famine, etc. Reversing the onus when they should be explaining how they are late for reasons of fundamental justice, perhaps, insufficient staff to process so many applications during the rush. It's an undeclared national emergency! Sorry, fundamental justice would apply in declared emergencies.

So I just pointed out that no principle of fundamental justice require the violation of patient rights.
A) a declaration that the long processing time for Access to Cannabis for Medical Purposes Regulations ("ACMPR") Production Authorizations and Renewals violates the patient's S.7 Charter Right to Life, Liberty, Security with no principle of fundamental justice such as war or emergency to necessitate and absolve such violations;

JCT: And Jeff will adopt the new words for all the early Gold Stars on the Full Term Team. It's not much of a change but it handles every technical objection they have so far.

The only issue is that Justice Brown demanded they explain in their Motion how the short-changing worked. But their motion is already filed and awaiting our response on Feb 12. The Crown should have the chance to respond to the added cause of action raised in recent claims:
#1 Damages for unconscionable stall
#2 Return of short-changed time from full term.

They've responded only to #1 so far. And should to #2.

So at Act Jackes's next week's hearing on Tuesday , Jeff is going to ask whether they should amend their motion, to which we later reply to #1 and #2 or whether they make a Supplementary Motion on cause of action #2 to which we file a Supplementary Response only to #2. And still Respond to #1 by Feb 12.

I can live with either though Supplementary Motion and Response seems most efficient. But there may be other rules.

And I've stopped calling it "Authorization" since HC calls it "Registration." Besides, non-grower users don't need registration.

Luc Lapierre may have someone to file the new one tomorrow. for Jeff to adopt for himself and the other early birds when he is before Justice Brown on Tuesday Feb 6 Case Management Meeting for Art Jackes. Remember, Art's complaint about unconscionable delay is over 2 months it cost him when they rejected his original signatures and not original (without scratching the backs with a pencil to see the indentations). Plus he'll want his full term as well as damages for improper decision on signature.

After all, it is only adding
"Liberty, Security" and
"with no principle of fundamental justice such as war or emergency to necessitate and absolve such violations;

Har har har har har har. That's all it takes to counter the Crown's whole case and allay the judge's main concern. Can't wait to see what they do.

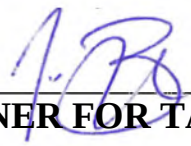
But Jeff is going to be there and mention how the newbie is engaging Liberty and Security with Life and claims no principle of fundamental justice exists to permit such violation of his rights. Jeff and early birds too.

But Crown needs a chance to respond to the "time back" claim. So do they amend the old and we wait to respond to both at once or do they file another supplementary motion on the second cause of action and we respond to it. Jeff should get the timeline managed.

Always remember, even under new legalization for all, your grow ops aren't legal without Registration.

So, http://johnturmel.com/delscins.pdf has the same links but to updated kits as of Feb 4 2018

THIS IS EXHIBIT "90" 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: Blew deadline, asking Judge Brown for extension of time

3 views

KingofthePaupers Feb 6, 2018, 6:31:49 PM
to

JCT: At today's case management hearing for Art Jackes' claim that they cost him time by improperly rejecting his black-ink original as not original, Judge Brown informed Jeff that we'd missed the deadline for filing a response to the Crown's motion to dismiss.

Darned, I checked, and yes, his Order said that that the Plaintiff had until Feb 5 to file and the Defendant had until Feb 12 to Reply.

Somehow, since we're defending against their motion to dismiss, I forgot we weren't the Defendant but the Plaintiff. So we're late. Usually, not a problem. But we have to file a motion for an extension of time.

In this discussion of time is the need for the Crown to make a motion to dismiss the second "time back" cause of action by the newbies to which we respond.

I wanted Jeff to suggest that either they amend their Motion to include #2 and then we respond; or they file a supplementary motion to dismiss #2 and we file a supplementary response. That remains undecided!

As well, Jeff asked to adopt the amendments in the newbie Statements of Claim. Luc got 2 newbies signed up today just in time for Jeff to be able to mention that the fixed claim was now before the court. But he has to move to adopt it for the group. Sure.

Here's the problem. Not only did we wait for the wrong date but we were waiting in order to get the CD of the Terry Johnsgaard hearing where there were a bunch of goodies that need to be cited. And we're still waiting. I'd asked Jeff to ask to have our response put off until we get the CD but having missed the deadline, we'll ask for the extension to ensure we have the CD before our response is due.

Here's the problem. If Terry had just said: Send me the CD, I want it, he had asked about putting it up at his web site for others to listen to. That takes the okay of the judge to broadcast such hearing. So it must have been routed toward the judge for a decision and they didn't bother sending him the CD until that okay is ascertained though he can have the CD and be prohibited from uploading it.

So Jeff ordered the darned thing too. Doesn't want it for

his web site, only to listen to it, and pass it to friends.

So I'll prepare the Motion seeking until after the CD to file if the Crown doesn't amend their motion to dismiss.

The Crown informed the Court that there are now over 50 Turmel Kit Plaintiffs on file. Many I don't know of but Jeff has asked for their email contacts.

THIS IS EXHIBIT "91" 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: Luc Lapierre signs up 7 more MedPot Grow Delayeds

5 views

KingofthePaupers Feb 20, 2018, 3:51:21 PM

to

TURMEL: Luc Lapierre signs up 7 more MedPot Grow Delayeds

JCT: Luc Lapierre's been busy spreading the word about speeding up applications and getting their short-changed time back.

Last week, he signed up

Feb 13,
Karine Thibodeau T-298-18
Nicholas Prosper T-302-18

Feb 18,
Jonathan Courcelles T-327-18

Feb 20,
David Garfalo T-340-18
Bruno Roy T-341-18
Charline Pelissier T-343-18
Patrice Letourneau T-345-18

Talk about keeping the Montreal Registry busy. Thank you Luc, you're a one-man recruitment office for our little army of Gold Stars.

THIS IS EXHIBIT "92" 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: 20180720

Docket: T-1379-17

Citation: 2018 FC 765

Ottawa, Ontario, July 20, 2018

PRESENT: The Honourable Mr. Justice Brown

BETWEEN:

ALLAN J. HARRIS

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

ORDER AND REASONS

I. Introduction

[1] This is a motion by the Defendant for an Order striking the Plaintiff's Amended Statement of Claim, i.e., his action, which may also result in the Court striking some 200 similar case-managed actions. These actions are in most cases identical and are copied from a website on the internet.

[2] The motion is brought on the basis that it is plain and obvious that the claim fails to disclose a reasonable cause of action. In addition it is alleged that the Plaintiff's action is frivolous and vexations. Finally, in respect of what I will refer to as the "short-changing" pleadings, the Defendant argues this issue is moot because of a regulatory or policy change. Because I am not persuaded the Defendant has established her case, the motion to strike must be dismissed. There is no merit to the argument that the pleadings are frivolous and vexatious. The Court must also reject the Defendant's submission that the short-changing claim is moot; while for some it may be moot, for this Plaintiff it is not.

[3] The Defendant's motion is brought pursuant to Rule 221(1)(a) of the *Federal Courts Rules*, SOR/98-106 [Rules]. Rule 221 of the Rules permits the Court to strike a claim on certain grounds:

221(1) On motion, the Court may, at any time, order that a pleading, or anything contained therein, be struck out, with or without leave to amend, on the ground that it	221(1) À tout moment, la Cour peut, sur requête, ordonner la radiation de tout ou partie d'un acte de procédure, avec ou sans autorisation de le modifier, au motif, selon le cas :
(a) discloses no reasonable cause of action or defence, as the case may be,	a) qu'il ne révèle aucune cause d'action ou de défense valable;
…	…
(c) is scandalous, frivolous or vexatious,	c) qu'il est scandaleux, frivole ou vexatoire;
…	…
Evidence	**Preuve**
(2) No evidence shall be heard on a motion for an order under	(2) Aucune preuve n'est admissible dans le cadre d'une requête invoquant le motif visé

paragraph (1)(a) à l'alinéa (1)(a).

[4] The action sought to be dismissed, stripped to its essentials, claims *Charter*-damages for alleged unconscionable delays in the processing time taken between the filing of an application for, and obtaining a permit allowing an applicant to grow marijuana for medical purposes. In addition, the claim alleges delays in the processing time taken between the filing of an application to renew such a permit and when it is obtained.

[5] The permits requested are issued under the *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-230 [ACMPR]; these in turn are enacted pursuant to subsection 55(1) of the *Controlled Drugs and Substances Act*, SC 2015, c 22, s. 4(1).

[6] Also in terms of background, drugs and controlled substances are primarily regulated by the *Controlled Drugs and Substances Act*, the *Food and Drugs Act*, RSC 1985, c F-27 and related regulations. At the present time, cannabis (marijuana) is a controlled substance scheduled under the *Controlled Drugs and Substances Act* and is a narcotic subject to the *Narcotic Control Regulations*, CRC, c 1041.

[7] In addition, ACMPRs may permit an applicant to grow and store marijuana for medical purposes, or to allow another person to do so for an applicant.

[8] Permits under the ACMPR are available to persons who demonstrate their need for cannabis marijuana to treat their medical conditions. Applications for these permits must be

supported by a medical document from an authorized health care practitioner - basically a prescription.

[9] It is also germane that permits, once granted, have an expiry date established under the ACMPR; such permits may be renewed upon their expiry with a new prescription.

[10] The effect of the ACMPR for the purposes of this motion is to authorize the possession and cultivation of marijuana where both possession and cultivation is illegal under the *Controlled Drugs and Substances Act* and *Narcotic Control Regulations* without such a permit. Unauthorized possession and or cultivation of marijuana exposes an individual such as the Plaintiff to the possibility of both fines and imprisonment.

II. History and basis of right to medical marijuana

[11] The right to possess and cultivate marijuana for medical purposes has been litigated in Canada for almost two decades. A brief overview of this history is provided by Phelan J. of this Court in *Allard v Canada*, 2016 FC 236, from which I take the following:

> 1 This is a *Charter* challenge to the current medical marihuana regime under the *Marihuana for Medical Purposes Regulations*, SOR/2013-119 [MMPR] brought by four individuals. It is important to bear in mind what this litigation is about, and equally, what it is not about.
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> 2 This case is not about the legalization of marihuana generally or the liberalization of its recreational or life-style use. Nor is it about the commercialization of marihuana for such purposes.
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> 3 This case is about the access to marihuana for medical purposes by persons who are ill, including those suffering severe

pain, and/or life-threatening neurological conditions. Such persons also encompass those in the very last stages of their life.

4 This is another decision in a line of cases starting with *R v Parker*, (2000) 49 OR (3d) 481, 188 DLR (4th) 385 (ONCA) [*Parker*], and culminating in *R v Smith*, 2015 SCC 34, [2015] 2 SCR 602 [*Smith*], that have examined, often with a critical eye, the efforts of government to regulate the use of marihuana for medical purposes and the various barriers and impediments to accessing this necessary drug.

5 Like other cases, this most recent attempt at restricting access founders on the shoals of 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*], particularly s 7, and is not saved by s 1.

> 1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.
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> 1. La Charte canadienne des droits et libertés garantit les droits et libertés qui y sont énoncés. Ils ne peuvent être restreints que par une règle de droit, dans des limites qui soient raisonnables et dont la justification puisse se démontrer dans le cadre d'une société libre et démocratique.
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> 7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.
>
> 7. Chacun a droit à la vie, à la liberté et à la sécurité de sa personne; il ne peut être porté atteinte à ce droit qu'en conformité avec les principes de justice fondamentale.

6. The Court has concluded that the Plaintiffs' liberty and security interest are engaged by the access restrictions imposed by the MMPR and that the access restrictions have not been proven to be in accordance with the principles of fundamental justice.

[12] Suffice it to say that the right to access marijuana and cannabis for medical purposes is guaranteed by the *Charter*, an undoubted legal matter having been decided by this Court, the Supreme Court of Canada, and as well, by Superior Courts in the provinces. In addition, the right of access to marijuana and other cannabis products for medical purposes is a right conferred upon individuals, on application, by the Governor in Council in subordinate legislation, i.e., regulations issued pursuant to the relevant legislation.

III. Law on a motion to strike

[13] The law in relation to motions to strike is set out below.

[14] In *Lee v Canada*, 2018 FC 504, at para 7, Heneghan J stated the following in respect of the test for motions to strike:

> The test upon a motion to strike a pleading is set out in the decision in *Hunt v. Carey Canada Inc.*, [1990] 2 S.C.R. 959, that is whether it is plain and obvious that the pleading discloses no reasonable cause of action According to the decision in *Bérubé v. Canada (2009)*, 348 F.T.R. at paragraph 24, a claim must show the following three elements in order to disclose a reasonable cause of action
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> i. Allege facts that are capable of giving rise to a cause of action
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> ii. Indicate the nature of the action which is to be founded on those facts, and
>
> iii. Indicate the relief sought, which must be of a type that the action could produce and that the court has jurisdiction to grant

[15] The moving party bears the onus of meeting the test set out by the Supreme Court of Canada in *Hunt v Carey Canada Inc*, [1990] 2 SCR 959 [*Hunt*]: *Al Omani v Canada*, 2017 FC 786 per Roy J. at paras 12-16:

> [12] The test to strike a claim under Rule 221 sets a high bar. First, it is assumed that the facts stated in the statement of claim can be proven. The Court must be satisfied that it is plain and obvious that the pleading discloses no reasonable cause of action assuming the facts pleaded are true: *R v Imperial Tobacco Canada Ltd.*, 2011 SCC 42, [2011] 3 SCR 45 at para 17; *Hunt v Carey Canada Inc*, [1990] 2 SCR 959 [*Hunt*] at p 980. The Defendant bears the onus of meeting this test: *Sivak v Canada*, 2012 FC 272, 406 FTR 115 [*Sivak*] at para 25.
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> [13] In *Hunt*, the Supreme Court sided with the articulation of the rule in England to the effect that "if there is a chance that the plaintiff may succeed, then the plaintiff should not be "driven from the judgment seat"" (p. 980). A high bar indeed to succeed on a motion to strike. Some chance of success will suffice or, as Justice Estey said in *Att. Gen. of Can. v Inuit Tapirisat et al*, [1980] 2 SCR 735, "(o)n a motion such as this a court should, of course, dismiss the action or strike out any claim made by the plaintiff only in plain and obvious cases and where the court is satisfied that "the case is beyond doubt"" (p.740).
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> [14] To show a plaintiff has a reasonable cause of action, the statement of claim must plead material facts satisfying every element of the alleged causes of action: *Mancuso v Canada (National Health and Welfare)*, 2015 FCA 227, 476 NR 219 [*Mancuso*] at para 19; *Benaissa v Canada (Attorney General)*, 2005 FC 1220 [*Benaissa*] at para 15. The plaintiff needs to explain the "who, when, where, how and what" giving rise to the Defendant's liability (*Mancuso*, para 19, *Baird v Canada*, 2006 FC 205 at paras 9-11, affirmed in 2007 FCA 48).
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> [15] Thus, there appears to be a balance. On one hand, a chance of success is enough for the matter to proceed. On the other, the material facts must be pleaded in sufficient detail such that the cause of action may exist. The purpose of pleadings is to give notice to the opposing party and define the issues in such a way that it can understand how the facts support the various causes of action. As the Court of Appeal put it in *Mancuso*, "(i)t is fundamental to the trial process that a plaintiff plead material facts in sufficient detail to support the claim and relief sought" (para 16). The Plaintiffs note that pleadings can still proceed despite

> being "far from models of legal clarity" (*Manuge v Canada*, 2010 SCC 67, [2010] 3 SCR 672 at para 23). But it remains that adequate material facts must be pleaded. Parties cannot make broad allegations in their statement of claim in the hope of later going on a "fishing expedition" to discover the facts: *Kastner v Painblanc* (1994), 176 NR 68, 51 ACWS (3d) 428 (FCA) at p.2.

[16] On motions to strike, no evidence outside the pleadings may be considered (except in limited instances that do not apply here). This is expressly enacted by Rule 221(2) and confirmed by the authorities: *Pelletier v Canada*, 2016 FC 1356 [*Pelletier*] per Leblanc J. at para 6:

> [6] As is well-settled too, no evidence outside the pleadings may be considered on such motions and although allegations that are capable of being proven must be taken as true, the same does not apply to pleadings which are based on assumptions and speculation and to those that are incapable of proof (*Imperial Tobacco*, at para 22; *Operation Dismantle v The Queen*, [1985] 1 SCR 441, at p. 455 [*Operation Dismantle*]; *AstraZeneca Canada Inc. v Novopharm Ltd.*, 2009 FC 1209 at paras 10-12).

[17] In *Pelletier*, Leblanc J. also stated that while a Statement of Claim must be read as generously as possible with a view to accommodating any inadequacies due to drafting deficiencies, the claimant must plead the facts upon which he makes his claim and is not entitled to rely on the possibility of new facts turning up as the case progresses:

> [7] In this regard, while the Statement of Claim must be read as generously as possible with a view to accommodating any inadequacies due to drafting deficiencies (*Operation Dismantle*, at p. 451), it is incumbent on the claimant to clearly plead the facts at the basis of its claim:
>
> > [22] […] It is incumbent on the claimant to clearly plead the facts upon which it relies in making its claim. A claimant is not entitled to rely on the possibility that new facts may turn up as the case progresses. The claimant may not be in a position to prove the facts pleaded at the time of the motion. It may only hope to be able to prove them.

> But plead them it must. The facts pleaded are the firm basis upon which the possibility of success of the claim must be evaluated. If they are not pleaded, the exercise cannot be properly conducted".
> (*Imperial Tobacco*) (*My emphasis*)

[18] In *Mancuso v Canada (National Health and Welfare)*, 2015 FCA 227, the Federal Court of Appeal said at paras 16-17 that plaintiffs must plead material facts in sufficient detail to support the claim and relief sought:

> [16] It is fundamental to the trial process that a plaintiff plead material facts in sufficient detail to support the claim and relief sought. As the judge noted "pleadings play an important role in providing notice and defining the issues to be tried and that the Court and opposing parties cannot be left to speculate as to how the facts might be variously arranged to support various causes of action."

IV. The Plaintiff's Amended Statement of Claim

[19] The Plaintiff's Amended Statement of Claim is relatively straightforward. Factual allegations, as noted, are taken as proven. It starts with a claim for a declaration that the long processing time for ACMPR production permits (the Plaintiff refers to the approval document as a "registration" which technically it is, but I prefer to use the word "permit") and renewals violates his section 7 *Charter* right to life, liberty and security. He further claims a remedy of damages under section 24 of the *Charter* in the amount of the value of his prescription during any delay which the Court may rule inappropriate for a reasonable processing time.

[20] The Plaintiff also seeks a declaration that back-dating the period of registration and renewal from the effective date for registration or expiry date for renewals to the date the doctor

signed the prescription under the ACMPR violates his section 7 *Charter* rights and claims remedy for the full term of the prescription to take effect on the effective date of the registration and on the expiry date of a renewed registration.

[21] He alleges and it is taken as proven that he has a medical document signed by an authorized health care professional to use cannabis for medical purposes under the ACMPR. He claims against the Defendant alleging the Minister for Health Canada is the Minister responsible for Health Canada and certain aspects of the *Controlled Drugs and Substances Act* including the *Narcotic Control Regulations* and the ACMPR. While these are legal matters, they are not disputed.

[22] He says, and I must accept it as true, that he submitted an application under the ACMPR on June 11, 2017, for a permit to grow marijuana for medical purposes. Further, he received a permit to grow marijuana for medical purposes with an effective date of October 11, 2017, with an expiry date of March 23, 2018.

[23] He states that under the MMAR, a predecessor form of regulations under the ACMPR, the time to process an application to produce marijuana was touted before this Court by a named official of the Controlled Substances and Tobacco Directorate, as "done in under 4 weeks. Renewals far less." He adds, "Reported 2 weeks!" This again is taken to be true.

[24] He claims, and it must be taken as proven, that the ACMPR may now take 30 weeks to process only 10 data fields:

- Name
- Date of birth
- Daily quantity
- Possession limit
- Name of healthcare practitioner
- Production area (outdoor)
- Production site address
- Maximum number of plants outdoor
- Maximum storage quantity
- Storage address.

[25] He states that the MMAR permits began on the effective date of issuance and renewed on the same date each year. In contrast, he states that the ACMPR permits and renewals are back-dated to when the doctor signed the medical document, reducing the term of registration and renewal by the time to process the application. I note in this case his permit lasted only five or so months. We do not know when his medical document was signed. But we do know that four months of possible permit time, if you will, was lost in processing.

[26] He states that not only is over 6 months to key in the data unconscionable but by short-changing from the full-term registration under the MMAR to a half-term registration under the ACMPR, applicants or renewals always get less than the full term of medication prescribed by the measure of the unconscionable amount of time spent for processing.

[27] The Plaintiff says that the two 1-year prescriptions should end up being 24 months of registration and asks the Court to return the time short-changed from patients' permits and renewals and prevent any further short-changing.

[28] The Plaintiff says that having to see the doctor more often does cost the Plaintiff more money and having to wait for the mail to find out if the registration was renewed before its expiry date when everything would have to be destroyed does cause the Plaintiff more stress.

V. Analysis

[29] Stepping back and reviewing the Plaintiff's action "as generously as possible with a view to accommodating any inadequacies due to drafting deficiencies", as I am obliged to do as noted in *Pelletier* at para 7, the Plaintiff's claim comes down to the following. He has a medical condition and a prescription to treat his medical condition. In other words, he has the required prescription and needs marijuana for medical purposes. He wants to have a permit to produce marijuana himself. He therefore requested a permit from Health Canada on July 11, 2017. He obtained the permit four months later, on October 11, 2017. He says it took unreasonably long for Health Canada to send him his permit. He says that under a previous regulatory regime similar approvals were granted in less than four weeks, and some reportedly in two. Now, he says it may take 30 weeks for an approval. However, on the facts pleaded, it took a little over 17 weeks for him to get his permit. He asserts a right to obtain his permit within a reasonable time. He claims what appeared to be liquidated damages for unreasonable delay – namely the value of his prescription – during any delay which the Court may rule an unreasonable processing time.

And he claims general damages for stress while waiting. He says his section 7 *Charter* rights have been violated.

[30] He also claims to be short-changed because the delay in processing results in a shorter period of validity of the resulting permit once granted. Instead of it running for a year, if that is what the medical practitioner prescribed, from the date it is issued, the permit he obtained ran for a year from the date of the medical document supporting it. Thus, assuming a 17 week delay as taken to be proven, his permit is only good for 35 weeks, not 52.

[31] Finally, albeit briefly, he states, and it must be taken as proven, that it caused stress to wait for a renewal because everything would have to be destroyed when the original permit expires in order to comply with the *Controlled Drugs and Substances Act* and *Narcotic Control Regulations*. This at least is how I read his pleadings, with limited generosity.

A. *Should the action be dismissed as disclosing no reasonable cause of action per Rule 221(1)(a)?*

[32] In this respect, no evidence is admissible. The pleadings must be taken as true. The Defendant has the onus to make out her case.

[33] I start with the proposition that the Plaintiff has the right to a permit to grow marijuana for medical purposes if he satisfies the criteria of a *Charter*-compliant permit regime established under the *Controlled Drugs and Substances Act* and *Narcotic Control Regulations*. This right has been confirmed by the Supreme Court of Canada, in addition to the Federal Court and various

Superior Courts. So far as I am aware the ACMPRs are *Charter*-compliant. No one argued otherwise. The Applicant's right to a permit to grow marijuana for medical purposes is also legislated in the ACMPRs, provided he meets the conditions. And we must accept as true that he did: the Defendant's employees, after all, have given the Plaintiff a permit.

[34] The issue is delay. The Plaintiff says that delay violated his *Charter*-rights under section 7 to life, liberty and security of the person. There is no doubt he has such rights, and that these include his right to access a production permit for medical marijuana.

[35] In a situation like this, I take it as a given that when the Courts and the legislature (the Governor in Council in this case) declare rights and create administrative mechanisms to deliver them, those rights may not be denied through unreasonable delay. Rather the converse; the executive government, in this case the Minister of Health, has a duty to act with reasonable dispatch, absent explanation otherwise, where rights have been declared by the Courts, particularly *Charter*–rights. To argue otherwise may entail a less than respectful application of the law including of course delivering upon *Charter*-protected rights.

[36] It appears to me that the Minister of Health take the position that *Charter*-protected rights may be delayed unreasonably without legal consequence; although not expressed, this seems to underline the position advanced by the Defendant. I do not make a ruling in this connection, but am not persuaded that the Plaintiff has no chance to show that such a position is untenable.

[37] I am not persuaded it is plain and obvious that the Plaintiff's pleadings disclose no reasonable cause of action on the facts presumed to be true in this case. Put another way, I have concluded there is a chance the Plaintiff may succeed in his claim.

[38] I appreciate there are many related claims being case managed relating to this action; I am the case management judge, have reviewed each, and have issued a large number of orders dealing with interim and other relief. While I have stayed all interim interlocutory proceedings in the related cases, I have lifted the stay where a motion alleges a delay in the issuance of a permit of more than 60 days and invited the Crown to respond. That said, the argument that there are many related claims does not assist the Defendant; rather, it underscores the importance of the duty lying upon the Minister of Health to establish administrative mechanisms that deliver on *Charter*-protected rights determined not only by the Governor in Council – in the ACMPRs – but by the Supreme Court of Canada.

[39] In this connection, the Court keeps in mind that the Plaintiff has a medical condition and a prescription for marijuana to treat his medical condition. It may be found that the Minister of Health may not unreasonably delay issuing permits to the Plaintiff in his circumstances, if that is in fact his or her position. The Plaintiff wishes to grow his own marijuana, which with a permit in hand, he is entitled to do. But he cannot do that until he has the permit or renewal.

[40] And if he needs to renew a production permit, and the renewal application is unreasonably delayed with the result his original permit expires, "everything would have to be destroyed" as he claims; otherwise, he is would be subject to fine and imprisonment for the

possession of unused plants and stored marijuana grown previously. As to the stress referred to in the pleadings, this is also a matter for evidence. The Plaintiff may or may not succeed; that will be determined by the evidence. The Defendant has not established it is plain and obvious such that this claim should be struck.

[41] I will deal with the short-changing issue later in these reasons; those allegations will be struck however.

[42] Nothing in what is stated above should be taken as determining whether the Plaintiff will succeed or fail in his action. I make no finding of whether there is a cause of action for unreasonable delay, or if so, what constitutes unreasonable delay. It may be that a delay of four months in processing the Plaintiff's permit application was reasonable; the point of today's ruling is that the Plaintiff has a chance of succeeding in his claim. However, it may be that the delay in the Plaintiff's case was reasonable. In that case the Defendant will succeed.

[43] In terms of damages, I am not persuaded it is plain and obvious that no damages would be awarded if the Plaintiff establishes his *Charter*-protected rights were infringed or denied contrary to subsection 24(1) of the *Charter*. It is well-established, again by the Supreme Court of Canada, that *Charter* breaches may be remedied under subsection 24(1) by an award of monetary damages: see for example, *Vancouver (City) v Ward*, 2010 SCC 27.

[44] In this respect, the Court is performing a gate-keeping function. The onus was on the Defendant and in my respectful view she failed to meet the test: it is not plain and obvious that these pleadings disclose no reasonable cause of action.

B. *Is the action frivolous and vexatious?*

[45] The Court has determined that it is not plain and obvious that this action discloses no reasonable cause of action. The essence of the Defendant's submission that the action is frivolous and vexatious is that the Plaintiff's claims are so lacking in material facts, and unintelligible, that it is frivolous and vexatious. The argument in this respect is contained in a single paragraph in the Defendant's memorandum of fact and law. The Defendant only states that the action should be struck as frivolous and vexatious. In my respectful view there is insufficient merit in that submission to warrant its further consideration.

C. *Is the allegation of short-changing moot having regard to subsequent changes?*

[46] I start by noting that the Defendant may, and did, submit affidavit evidence in support of her allegations of mootness, which is permitted on a mootness argument.

[47] I agree with the Defendant that the Supreme Court of Canada established a two-step test for deciding whether to dismiss a case as moot. The governing authority is *Borowski v Canada (Attorney General)*, [1989] 1 SCR 342. At the first step, the court must decide whether the case is moot in the sense that a decision will have no practical effect on the rights of the parties. If

moot, the court must then consider at the second step whether there are any reasons to hear the case on its merits notwithstanding that it is moot.

[48] On the facts pleaded in respect of the short-changing issue, the Plaintiff seeks a declaration that the dating of the permit back to the date that the medical document was signed to coincide with the time period for use stated by his health care practitioners - the alleged "backdating" of the permit - violates his section 7 *Charter* rights.

[49] In response, the Defendant's evidence is that on March 2, 2018, the Minister of Health Canada issued several class exemptions pursuant to section 56 of the *Controlled Drugs and Substances Act*. These exemptions apply to anyone with a permit issued *on or after* March 2, 2018. Pursuant to these exemptions Health Canada now issues permits with a period of use that begins on the date the permit is issued, instead of on the date that the medical document was signed by the health care practitioner.

[50] This, says the Defendant, is the very relief sought by the Plaintiff. Relief having been granted by the Minister, the Defendant says that the requested declaration is now moot. I respectfully disagree.

[51] I agree the short-changing issue raised by this Plaintiff is moot for permits dated after March 2, 2018.

[52] However, on the facts of this case, the Plaintiff's permit was dated well before that, on October 11, 2017. If the change in policy was made to apply to the Plaintiff's permit, the Defendant would be correct because the Plaintiff's permit would have been valid until October 10, 2018; in that case his claim would be moot in that respect.

[53] However, the policy change was forward looking only. As I see it, the Plaintiff did not obtain the benefit of the change in policy, because his permit was *not* issued on or after March 2, 2018. Therefore mootness does not apply in the Plaintiff's case.

[54] That said, I have concluded that the short-change submission should be struck because, while I understand the Plaintiff does not obtain a full year's worth of permit, and must reapply sooner as a result, his "loss" does not support an allegation of breach of section 7 *Charter* rights. I do not see the resulting reduction in the term of the permit or document to infringe or deny a *Charter* right. He simply experiences the vagaries of having to renew his permit earlier, and not getting the benefit of the full term otherwise available. Such delays may commonly occur where one applies by mail for a time-limited permit or document from government such as for example, a passport or motor vehicle licence. Even if a *Charter* right was breached by a reduction in the term of a permit, which I do not accept, this Court recently held in *Johnson v Canada (Attorney General)*, 2018 FC 582 per Diner J., at para 7, "the *Charter* does not protect against trivial limitations of rights (*Cunningham v Canada*, [1993] 2 SCR 143 at 151)." Such reduction in my view would be trivial.

[55] In this respect, I revert to that part of the motion to strike based on no reasonable cause of action; I find it plain and obvious that the short-changing aspect of the Plaintiff's claim discloses no reasonable cause of action. I see no need to allow an amendment in this respect as none could save this aspect of his pleading. In any event, this Plaintiff has already been granted leave to amend twice, once on consent, but the second time on a contested motion. Therefore paragraphs 1(b), 8 and 9 of the Amended Statement of Claim must be struck.

[56] In the result, the motion to strike is dismissed except as it relates to the short-changing allegation.

[57] Because success is divided each party shall bear their own costs.

ORDER in T-1379-17

THIS COURT ORDERS that

1. The motion to strike the Amended Statement of Claim is dismissed in part.
2. Paragraphs 1(b), 8 and 9 are struck from the Amended Statement of Claim without leave to amend.
3. There is no order as to costs.

"Henry S. Brown"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-1379-17

STYLE OF CAUSE: ALLAN J. HARRIS v HER MAJESTY THE QUEEN

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

ORDER AND REASONS: BROWN J.

DATED: JULY 20, 2018

SOLICITORS OF RECORD:

Attorney General of Canada	FOR THE DEFENDANT