

Federal Court of Appeal



Cour d'appel fédérale

Date: 20230720

Docket: A-265-22

Ottawa, Ontario, July 20, 2023

Present: LASKIN J.A.

BETWEEN:

JOHN TURMEL

Appellant

and

HIS MAJESTY THE KING

Respondent

**ORDER**

**WHEREAS** on November 9, 2022, the Federal Court made an order under section 40 of the *Federal Courts Act*, R.S.C. 1985, c. F-7, declaring the appellant to be a vexatious litigant and, among other things, prohibiting the appellant from instituting new proceedings in the Federal Court, continuing any proceedings previously instituted by him in the Federal Court, except with leave of the Court, and preparing, distributing or disseminating court documents, including template documents, for use by others in Federal Court proceedings;

**WHEREAS** on December 9, 2022, the appellant commenced an appeal to this Court from the Federal Court's order;

**WHEREAS** on June 15, 2023, on motion in writing by the respondent in this appeal, to which the appellant filed no response, this Court made a vexatious litigant order against the appellant applicable to proceedings in this Court;

**WHEREAS** the appellant has brought a motion for reconsideration of this Court's June 15, 2023 order on the grounds that (1) the respondent had stated his intention to seek an order that the motion that resulted in the June 15, 2023 order be heard orally together with the appeal, (2) the respondent's written representations in seeking the June 15, 2023 order were virtually identical to the respondent's memorandum in the appeal, and (3) that the motion that resulted in the June 15, 2023 order should have been heard after this appeal is heard, not before;

**WHEREAS** by rule 397 of the *Federal Courts Rules*, a motion for reconsideration of an order may be brought only on the grounds that (1) the order does not accord with any reasons given for it, (2) the court has in making the order overlooked or omitted a matter that should have been dealt with, or (3) the order contains clerical mistakes or omissions;

**AND WHEREAS** the appellant has failed to make out any of these grounds, this Court was fully aware of the pending appeal when it granted the June 15, 2023 order, and the appellant himself bears responsibility for his decision not to file responding representations on the motion that resulted in the June 15, 2023 order;

**THIS COURT ORDERS** that the motion is dismissed with costs fixed at \$1,000 all-inclusive.

“J.B. Laskin”

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J.A.