



Court File No.: T-1089-22

FEDERAL COURT

Karen **Adelberg**, Matthew **Anderson**, Wyatt George **Baiton**, Paul **Barzu**, Neil **Bird**, Curtis **Bird**, Beau **Bjarnason**, Lacey **Blair**, Mark **Bradley**, John **Doe #1**, Daniel **Bulford**, John **Doe #2**, Shawn **Carmen**, John **Doe #3**, Jonathan Corey **Chaloner**, Cathleen **Collins**, Jane **Doe #1**, John **Doe #4**, Kirk **Cox**, Chad **Cox**, Neville **Dawood**, Richard **de Vos**, Stephane **Drouin**, Mike **Desson**, Philip **Dobernigg**, Jane **Doe #2**, Stephane **Drouin**, Sylvie **Filteau**, Kirk **Fisler**, Thor **Forseth**, Glen **Gabruch**, Brett **Garneau**, Tracy Lynn **Gates**, Kevin **Gien**, Jane **Doe #3**, Warren **Green**, Jonathan **Griffioen**, Rohit **Hannraj**, Kaitlyn **Hardy**, Sam **Hilliard**, Richard **Huggins**, Lynne **Hunka**, Joseph **Isliefson**, Leposava **Jankovic**, John **Doe #5**, Pamela **Johnston**, Eric Jones-Gatineau, Annie **Joyal**, John **Doe #6**, Marty (Martha) **Klassen**, John **Doe #7**, John **Doe #8**, John **Doe #9**, Ryan **Koskela**, Jane **Doe #4**, Julians **Lazoviks**, Jason **Lefebvre**, Kirsten **Link**, Morgan **Littlejohn**, John **Doe #10**, Diane **Martin**, John **Doe #11**, Richard **Mehner**, Celine **Moreau**, Robin **Morrison**, Morton **Ng**, Gloria **Norman**, Steven **O'Doherty**, David **Obirek**, John Robert **Queen**, Nicole **Quick**, Ginette **Rochon**, Louis-Marie **Roy**, Emad **Sadr**, Matt **Silver**, Jinjer **Snider**, Maureen **Stein**, John **Doe #12**, John **Doe #13**, Robert **Tumbas**, Kyle Van de **Sype**, Chantelle **Vien**, Joshua (Josh) **Vold**, Carla **Walker**, Andrew **Wedlock**, Jennifer **Wells**, John **Wells**, Melanie **Williams**, David George John **Wiseman**, Daniel **Young**, Gratchen **Grisson**, (officers with the **Royal Canadian Mountain Police**)

- and -

Nicole **Auclair**, Michael **Baldock**, Sabrina **Baron**, William Dean **Booth**, Charles **Borg**, Marie-Ève **Caron**, Thomas **Dalling**, Joseph Israel Marc Eric De **Lafontaine**, Ricardo **Green**, Jordan **Hartwig**, Rodney **Howes**, Christopher Mark **Jacobson**, Jane **Doe #5**, Pascal **Legendre**, Kimberly **Lepage**, Kim **MacDonald**, Cindy **Mackay**, Kim Martin-**McKay**, David **Mason**, Alexandra Katrina **Moir**, Joseph Daniel Eric **Montgrain**, Radoslaw **Niedzielski**, Leanna June **Nordman**, Donald **Poole**, Edward Dominic **Power**, Norman L. **Reed**, Jane **Doe #6**, Brenden **Sangster**, Timothy Joseph **Seibert**, Ann-Marie Lee **Traynor**, Carl Barry **Wood**, Eddie Edmond **Andrukaitis**, Ruby **Davis**, Jennifer **Schroeder**, Joseph **Shea** employed by the (**Department of National Defence**)

- and -

Stefanie **Allard**, Jake Daniel **Boughner**, Brent **Carter**, Brian **Cobb**, Laura **Constantinescu**, Sonia **Dinu**, Aldona **Fedor**, Jane **Doe #7**, Malorie **Kelly**, Matthew Stephen **MacDonald**, Mitchell **Macintyre**, Hertha **McLendon**, Marcel **Mihailescu**,

Michael **Munro**, Sebastian **Nowak**, Diana **Rodrigues**, Natalie **Holden** , Adam Dawson
Winchester, (Canada Border Services Agency)

- and -

Christine **Clouthier**, Debbie **Gray**, Jennifer **Penner**, Dale **Wagner**, Joseph **Ayoub**,
(Agriculture and Agri-food Canada)

- and -

Jane **Doe #8**, **(Atlantic Canada Opportunities Agency)**

- and -

Melanie **DuFour**, **(Bank of Canada)**

- and -

Jennifer **Auciello**, Sharon Ann **Joseph**, Eric **Munro**, **(Canada Mortgage and Housing Corporation)**

- and -

Jane **Doe #9**, **(Canada Pension Plan)**

- and -

Natalie **Boulard**, Beata **Bozek**, John **Doe #14**, Nerin **Andrea Carr**, Sara Jessica **Castro**,
Debbie (Dubravka) **Cunko**, Josée **Cyr**, Jane **Doe #10**, Carol **Gaboury**, Tania **Gomes**,
Julita **Grochocka**, Monique **Harris**, William **Hooker**, Kirstin **Houghton**, Leila **Kostyk**,
Diane C **Labbé**, Michelle **Lamarre**, Nicolas **LeBlond**, Suana-Lee **Leclair**, Paulette
Morissette, Jennifer **Neave**, Pierre-Alexandre **Racine**, Benjamin **Russell**, Robert
Snowden, Aabid **Thawer**, Heidi **Wiener**, Svjetlana **Zelenbaba**, Nadia **Zinck**, Aaron
James Thomas **Shorrocks**, Deirdre **McIntosh** , **(Canada Revenue Agency)**

- and -

Tamara **Stammis**, **(Canada School of the Public Service)**

- and -

Jasmin **Bourdon**, **(Canada Space Agency)**

- and -

Sharon **Cunningham**, Allen **Lynden**, Rory **Matheson**, (**Canadian Coast Guard**)

- and -

Tatjana **Coklin**, John **Doe #15**, Raquel **Delmas**, Jane **Doe #11**, Chelsea **Hayden**, Helene **Joannis**, Zaklina **Mazur**, Jane **Doe #12**, Jessica **Simpson**, Katarina **Smolkova**,
(**Canadian Food Inspection Agency**)

- and -

Alexandre **Charland**, (**Canadian Forestry Service**)

- and -

Catherine **Provost**, Kristina **Martin**, (**Canadian Heritage**)

- and -

Jane **Doe #13**, (**Canadian Institutes of Health Research**)

- and -

Beth **Blackmore**, Roxanne **Lorrain**, (**Canadian Nuclear Safety Commission**)

- and -

Rémi **Richer**, (**Canadian Radio-television and Telecommunications Commission**)

- and –

Octavia **La Prairie**, (**Canadian Security Intelligence Service**)

- and –

Robert **Bestard**, (**City of Ottawa Garage Fed regulated**)

- and -

Kimberly Ann **Beckert**, (**Core Public Service**)

- and -

Sarah **Andreychuk**, Francois **Bellehumeur**, Pamela **Blaikie**, Natasha **Cairns**, Angela **Ciglenecki**, Veronika **Colnar**, Randy **Doucet**, Kara **Erickson**, Jesse **Forcier**, Valérie **Fortin**, Roxane **Gueutal**, Melva **Isherwood**, Milo **Johnson**, Valeria **Luedee**, Laurie

Lynden, Annette Martin, Craig McKay, Isabelle Methot, Samantha Osypchuk, Jane Doe #14, Wilnive Phanord, Alexandre Richer Levasseur, Kathleen Sawyer, Trevor Scheffel, (Correctional Service of Canada)

- and -

Jordan St-Pierre, (Courts Administration Service)

- and-

Brigitte Surgue, Jane Doe #15, (Department of Canadian Heritage)

- and-

Ghislain Cardinal, Heather Halliday, Paul Marten, Celine Rivier, Ngozi Ukwu, Jeannine Bastarache, Jane Doe #16, Hamid Naghdian-Vishteh, (Department of Fisheries and Ocean)

- and –

Ishmael Gay-Labbe, Jane Doe #17, Leanne James, (Department of Justice)

- and -

Danielle Barabe-Bussieres, (Elections Canada)

- and -

Tanya Daeichert, Jane Doe #18, Francois Arseneau, Chantal Authier, Nathalie Benoit, Aerie Biafore, Rock Briand, Arnaud Brien-Thiffault, Sharon Chiu, Michel Daigle, Brigitte Daniels, Louise Gaudreault, Karrie Gevaert, Mark Gevaert, Peter Iversen, Derrik Lamb, Jane Doe #19, Anna Marinic, Divine Masabarakiza, James Mendham, Michelle Marina Micko, Jean Richard, Stephanie Senecal, Jane Doe #20, Ryan Sewell, Kari Smythe, Olimpia Somesan, Lloyd Swanson, Tyrone White, Elissa Wong, Jenny Zambelas, Li yang Zhu, Patrice Lever, (Employment and Social Development Canada)

-and-

Jane Doe #21, Brian Philip Crenna, Jane Doe #22, Bradley David Hignell, Andrew Kalteck, Dana Kellett, Josée Losier, Kristin Mensch, Elsa Mouana, Jane Doe #23, Jane Doe #24, Valentina Zagorenko, (Environment and Climate Change Canada)

- and -

Pierre Trudel, (Export Development Canada)

- and -

Stephen Alan Colley, (Federal Economic Development Agency for Southern Ontario)

- and -

Vladimir Raskovic, (Garda Security Screeing Inc)

- and -

Mélanie Borgia, Jonathan Kyle Smith, Donna Stainfield, Annila Tharakan, Renee Michiko Umezuki, (Global Affairs Canada)

- and -

Dennis Johnson, (Global Container Terminals Canada)

- and -

Alexandre Guilbeault, Tara (Maria) McDonough, France Vanier, (Government of Canada)

- and -

Alex Braun, Marc Lescelleur-Paquette, (House of Commons)

- and -

Aimee Legault, (Human Resource Branch)

- and -

Dorin Andrei Boboc, Jane Doe #25, Sophie Guimard, Elisa Ho, Kathy Leal, Caroline Legendre, Diana Vida, (Immigration, Refugees and Citizenship Canada)

- and -

Nathalie Joanne Gauthier, (Indigenous and Northern Affairs Canada)

- and -

Christine Bizier, Amber Dawn Kletzel, Verona Lipka, Kerry Spears, (Indigenous Services Canada)

- and -

Sun-Ho **Paul Je**, (**Innovation, Science and Economic Development Canada**)

- and -

Giles **Roy**, (**National Film Board of Canada**)

- and -

Ray **Silver**, Michelle **Dedyulin**, Letitia **Eakins**, Julie-Anne **Kleinschmit**, Marc-Andre **Octeau**, Hugues **Scholaert**, (**National Research Council Canada**)

- and –

Felix **Beauchamp**, (**National Security and Intelligence Review Agency**)

- and -

Julia May **Brown**, Caleb **Lam**, Stephane **Leblanc**, Serryna **Whiteside**, (**Natural Resources Canada**)

- and -

Nicole **Hawley**, Steeve **L’italien**, Marc **Lecocq**, Tony **Mallet**, Sandra **McKenzie**, (**NAV Canada**)

- and –

Muhammad **Ali**, (**Office of the Auditor General of Canada**)

- and –

Ryan **Rogers**, (**Ontario Northland Transportation Commission**)

- and -

Theresa **Stene**, Michael **Dessureault**, John **Doe #16**, (**Park Canada**)

- and -

Charles-Alexandre **Beauchemin**, Brett **Oliver**, (**Parliamentary Protection Service**)

- and -

Carole **Duford**, (**Polar Knowledge Canada**)

- and -

Joanne Gabrielle **de Montigny**, Ivana **Eric**, Jane **Doe** #26, Salyna **Legare**, Jane **Doe** #27,
Angie **Richardson**, Jane **Doe** #28, (**Public Health Agency of Canada**)

- and -

Fay Anne **Barber**, (**Public Safety Canada**)

- and -

Denis **Laniel**, (**Public Sector Pension Investment Board**)

- and -

Kathleen Elizabeth **Barrette**, Sarah **Bedard**, Mario **Constantineau**, Karen **Fleury**,
Brenda **Jain**, Megan **Martin**, Jane **Doe** #29, Isabelle **Paquette**, Richard **Parent**, Roger
Robert **Richard**, Nicole **Sincennes**, Christine **Vessia**, Jane **Doe** #30, Pamela **McIntyre**,
(**Public Services and Procurement Canada**)

- and -

Isabelle **Denis**, (**Registrar of the Supreme Court of Canada**)

- and -

Jane **Bartmanovich**, (**Royal Canadian Mint**)

- and -

Nicole **Brisson**, (**Service Canada**)

- and -

Denis **Audet**, Mathieu **Essiambre**, Alain **Hart**, Andrea **Houghton**, Natalia **Kwiatek**,
Dany **Levesque**, David **McCarthy**, Pascal **Michaud**, Mervi **Pennanen**, Tonya **Shortill**,
Stephanie **Tkachuk**, Marshall **Wright**, (**Shared Services Canada**)

- and -

Eve Marie **Blouin-Hudon**, Marc-Antoine **Boucher**, Christopher **Huszar** , (**Statistics
Canada**)

- and -

Steve Young, (Telestat Canada)

- and -

Nathan Aligizakis, Stephen Daniel, Alain Douchant, Krystal McColgan, Debbie Menard, Clarence Ruttle, Dorothy Barron, Robert McLachlan, (Transport Canada)

- and -

Scott Erroll Henderson, Denis Theriault, (Treasury Board of Canada)

- and -

Josiane Brouillard, Alexandra McGrath, Nathalie Ste-Croix, Jane Doe #31, (Veterans Affairs Canada)

- and -

Olubusayo (Busayo) Ayeni, John Doe #17, Cynthia Bauman, Jane Doe #32, , Laura Crystal Brown , Ke(Jerry) Cai, Nicolino Campanelli, Donald Keith Campbell, Colleen Carder, Kathy Carriere, Melissa Carson, David Clark, Bradley Clermont, Laurie Coelho, Estee Costa, Antonio Da Silva, Brenda Darvill, Patrick Davidson, Eugene Davis, Leah Dawson, Marc Fontaine, Jacqueline Genaille, Eldon Goossen, Joyce Greenaway, Lori Hand, Darren Hay, Krista Imiola, Catherine Kanuka, Donna Kelly, Benjamin Lehto, Anthony Leon, Akemi Matsumiya, Jane Doe #33, Jane Doe #34, Jane Doe #35, Anne Marie McQuaid-Snider, Lino Mula, Pamela Opersko, Gabriel Paquet, Christine Paquette, Carolin Jacqueline Paris , Jodie Price, Kevin Price, Giuseppe Quadrini, Saarah Quamina, Shawn Rossiter, Anthony Rush, Anthony Shatzko, Charles Silva, Ryan Simko, Norman Sirois, Brandon Smith, Catharine Spiak, Sandra Stroud, Anita Talarian, Daryl Toonk, Ryan Towers, Leanne Verbeem, Eran Vooyo, Robert Wagner, Jason Weatherall, Melanie Burch, Steven Cole, Toni Downie , Amber Ricard, Jodi Stammers, (Canada Post)

- and -

Nicolas Bell, John Doe #18, John Doe #19, Jane Doe #36, John Doe #20, Paola Di Maddalena, Nathan Dodds, John Doe #21, Jane Doe #37, Nunzio Giolti, Mario Girard, Jane Doe #38, Jane Doe #39, You-Hui Kim, Jane Doe #40, Sebastian Korak, Ada Lai, Mirium Lo, Melanie Mailloux, Carolyn Muir, Patrizia Paba, Radu Rautescu, Aldo Reano, Jacqueline Elisabeth Robinson, John Doe #22, Frederick Roy, John Doe #23, Taeko Shimamura, Jason Sisk, Beata Sosin, Joel Szostak, Mario Tcheon, Rebecca Sue Thiessen, Jane Doe #41, Maureen Yearwood, (Air Canada)

- and -

John **Doe #24**, JOSÉE **Demeule**, Jacqueline **Gamble**, Domenic **Giancola**, Sadna **Kassan**, Marcus **Steiner**, Christina **Trudeau**, (**Air Canada Jazz**)

- and –

John **Doe #25**, Emilie **Despres**, (**Air Inuit**)

- and –

Rejean **Nantel**, (**Bank of Montreal**)

- and –

Lance Victor **Schilka**, (**BC Coast Pilots Ltd**)

- and –

Elizabeth **Godler**, (**BC Ferries**)

- and -

John **Doe #26**, Jane **Doe #42**, Tamara **Davidson**, Jane **Doe #43**, Karter Cuthbert Feldhoff de la **Nuez**, Jeffrey Michael Joseph **Goudreau**, Brad **Homewood**, Chad **Homewood**, Charles Michael **Jefferson**, John **Doe #27**, Janice Laraine **Kristmanson**, Jane **Doe #44**, Darren Louis **Lagimodiere**, John **Doe #28**, John **Doe #29**, Mirko **Maras**, John **Doe #30**, John **Doe #31**, John **Doe #32**, John **Doe #33**, John **Doe #34**, Jane **Doe #45**, John **Doe #35**, Kendal Stace-Smith, John **Doe #36**, Steve **Wheatley**, (**British Columbia Maritime Employers Association**)

- and -

Paul **Veerman**, (**Brookfield Global Integrated Solutions**)

- and -

Mark **Barron**, Trevor **Bazilewich**, John **Doe #37**, Brian **Dekker**, John **Gaetz**, Ernest **Georgeson**, Kyle **Kortko**, Richard **Letain**, John **Doe #38**, Dale Robert **Ross**, (**Canadian National Railway**)

- and –

Tim **Cashmore**, Rob **Gebert** , Micheal Roger **Mailhiot**, (**Canadian Pacific Railway**)

- and –

Karin Lutz, (DP World)

- and –

Crystal Smeenck, (Farm Credit Canada)

- and –

Sylvie M.F. Gelinass, Susie Matias, Stew Williams, (G4S Airport Screening)

- and –

Shawn Corman, (Geotech Aviation)

- and –

**Juergen Bruschkewitz, Andre Deveau, Bryan Figueira, David Spratt, Guy Hocking,
Sean Grant, (Greater Toronto Airports Authority)**

- and –

Dustin Blair, (Kelowna Airport Fire Fighter)

- and -

Hans-Peter Liechti, (National Art Centre)

- and –

**Bradley Curruthers, Lana Douglas, Eric Dupuis, Sherri Elliot , Roben Ivens, Jane Doe
#46, Luke Van Hoekelen, Kurt Watson, (Ontario Power Generation)**

- and –

Theresa Stene, Michael Dessureault, Adam Pidwerbeski, (Parks Canada)

-and-

John Doe #39, (Pacific Pilotage Authority)

- and –

Angela Gross, (Purolator Inc.)

- and -

Gerhard **Geertsema**, (**Questral Helicopters**)

- and -

Amanda **Randall**, Jane **Doe** #47, Frank **Veri**, (**RBC Royal Bank**)

- and –

James (Jed) **Forsman**, (**Rise Air**)

- and -

Jane **Doe** #48, (**Rogers Communications Inc**)

- and –

Jerrilynn **Rebeyka**, (**SaskTel**)

- and –

Eileen **Fahlman**, Mary **Treichel**, (**Scotiabank**)

- and -

Judah Gaelan **Cummins**, (**Seaspan Victoria Docks**)

- and –

Darin **Watson**, (**Shaw**)

- and -

Richard Michael Alan **Tabak**, (**SkyNorth Air Ltd**)

- and –

Deborah **Boardman**, Michael **Brigham**, (**Via Rail Canada**)

- and -

Kevin Scott **Routly**, (**Wasaya Airways**)

- and -

Bryce Sailor, (Waterfront Employers of British Columbia)

- and -

**Joseph Bayda, Jamie Elliott, John Doe #40, Randall Mengerling, Samantha Nicastro,
Veronica Stephens, Jane Doe #49, (WestJet)**

- and -

Melvin Gerein, (Westshore Terminals)

PLAINTIFFS

AND:

**Her Majesty The Queen, Prime Minister Justin Trudeau, Deputy Prime Minister and
Minister of Finance Chrystia Freeland, Chief Medical Officer Teresa Tam, Minister of
Transport Omar Alhabra, Deputy Minister of Public Safety Marco Mendicino, Johns
and Janes Doe**

DEFENDANTS

STATEMENT OF CLAIM

(Pursuant to s.17 (1) and (5)(b) *Federal Courts Act*,
and s.24(1) and 52 of the *Constitution Act, 1982*)

(Filed this 30th day of May, 2022)

2.6.

TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Applicant. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 1/1B prescribed by the *Federal Courts Rules*, serve it on the applicant's solicitor or, where the applicant does not have a solicitor, serve it on the applicant, and file it, with proof of service, at a local office of this

FORM 171ARule 171
Statement of Claim

(General Heading — Use Form 66)
(Court seal)

Statement of Claim

TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff.
The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Courts Rules, serve it on the plaintiff's solicitor or, if the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court

WITHIN 30 DAYS after the day on which this statement of claim is served on you, if you are served in Canada or the United States; or

WITHIN 60 DAYS after the day on which this statement of claim is served on you, if you are served outside Canada and the United States.

TEN ADDITIONAL DAYS are provided for the filing and service of the statement of defence if you or a solicitor acting for you serves and files a notice of intention to respond in Form 204.1 prescribed by the Federal Courts Rules.

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

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

(Date)

Issued by:

(Registry Officer)
Address of local office:

TO: (Name and address of each defendant)

(Separate page)

L-6.

~~Court, **WITHIN 30 DAYS** after this statement of claim is served on you, if you are served within Canada.~~

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

~~**IF YOU FAIL TO DEFEND THIS PROCEEDING**, judgment may be given against you in your absence and without further notice to you.~~

Date: **MAY 30 2022**

Issued by:

Address of local office:

**NICOLE HRADSKY
REGISTRY OFFICER
AGENT DU GREFFE**

Federal Court of Canada
180 Queen Street West, Suite 200
Toronto, Ontario M5V 3L6

TO: Department of Justice Canada
Ontario Regional Office
120 Adelaide Street West
Suite #400
Toronto, Ontario
M5H 1T1

CLAIM

1. The Plaintiffs claim:

(a) Declarations that the “Covid-vaccine mandates” announced, promulgated and enforced by Federal Regulations and Executive decree by the Defendants and their officials and administrations are unconstitutional and of no force and effect in that:

- (i) There is no jurisdiction under s.91 of the *Constitution Act, 1867* to decree any medical treatment whatsoever as this lies, subject to constitutional restraint(s), within the exclusive jurisdiction of the Provinces;
- (ii) That any purported or pretended power, under the emergency branch of P.O.G.G (Peace, Order and and Good Government) can only be done by Legislation, with the invocation, subject to constitutional constraints, of the *Emergencies Act (R.S.C., 1985, c. 22 (4th Supp.))*;
- (iii) That the *Regulations* and Executive decrees mandating such “vaccine mandates” are improper delegation, and constitute “dangling” *Regulations*, not tied to any *Act* of Parliament;
- (iv) That, in any event, any purported mandatory, or coerced *de facto* mandatory vaccine mandates violate ss. 2, 6, 7, and 15 of the *Charter*, as enunciated, *inter alia*, by the Ontario Court of Appeal in *Fleming v. Reid* (1991) 4 O.R. (3d) 74 and in the Supreme

Court of Canada in *Morgentaler (1988)*, *Rodriguez (1993)* and *Rasouli (2013)*, and *Carter (2005)*;

- (v) That any purported mandatory, or coerced *de facto* mandatory vaccines violate ss.2 and ss 7 of the *Charter*, as enunciated, *inter alia*, by the Ontario Court of Appeal in *Fleming v. Reid*, and the Supreme Court of Canada in *Morgentaler (1988)*, *Rodriguez (1993)* violate international treaty norms which constitute *minimal* protections to be read into s.7 of the *Charter* as ruled, *inter alia*, by the Supreme Court of Canada in *Hape*, and the Federal Court of Appeal in *De Guzman*;

- (b) A further Declaration that Policy on *COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police*, purportedly issued pursuant to *sections 7 and 11.1 of the Financial Administration Act*, stipulating that Employment Insurance benefits are to be denied to anyone dismissed from their employment for refusing to be “vaccinated” with the COVID-19 inoculations is unconstitutional in that:

- (i) There is no jurisdiction under s.91 of the *Constitution Act, 1867* to decree any medical treatment whatsoever as this lies, subject to constitutional restraint(s), within the exclusive jurisdiction of the Provinces;
- (ii) The Pre-*Charter* constitutional rights to freedom of conscience and religion as pronounced by the Supreme Court of Canada in, *inter alia*,

Switzman v Elbing and A.G. of Quebec, [1957] SCR 285 and *Saumur v City of Quebec, 2 S.C.R. 299*;

(iii) violates the rights, under s.2 of the **Charter**, as well as s.1 under the **Canadian Bill of Rights (1960)** to freedom of conscience, belief, and religion;

(iv) violates s.7 of the **Charter** in violating the right to bodily and psychological integrity, as manifested in the constitutionally protected right to informed, voluntary, consent to any medical treatment and procedure, as well as violating international treaty rights, protecting the same right(s) which protections must be read in as minimal protection under s.7 of the **Charter** in accordance with, *inter alia*, *Hape (SCC)* and *De Guzman (FCA)*;

(c) a further declaration that the mandatory and/or coerced *de facto* mandatory medical treatment, in the absence of informed, voluntary consent, in this case covid-“vaccines”, and PCR and other mRNA and RNA testing, constitute a Crime Against Humanity under international treaty and customary law, thereby making an offence under the **War Crimes and Crimes Against Humanity Act** in Canada;

(d) a further declaration that promoting, and executing, PCR testing constitutes a criminal act under sections 3 - 5 and s.7 of the **Genetic Non-Discrimination Act (S.C. 2017, c. 3)**, and counselling and aiding and abetting a criminal act under s. 126 of the **Criminal Code of Canada**, to wit, disobeying a statute;

(e) a further declaration that the introduction of “vaccine passports”, and their compulsory use to obtain goods and services, as well as travel on trans-provincial

routes by air, train, and water vehicles, is unconstitutional and of no force and effect in violating:

- (i) ss.6 and 7 of the *Charter*;
- (ii) violating s.9 of the *Charter*;
- (iii) violating the pre-*Charter*, recognized rights on “the liberty of the subject” remedied by way of *habeas corpus*.

(f) a further declaration that **Interim Order Respecting Certain Requirements for Civil Aviation Due to Covid-19, No.61**, requiring covid “vaccination” and masking on planes, trains and boats is unconstitutional and of no force and effect in that:

- (i) There is no jurisdiction under s.91 of the *Constitution Act, 1867* to decree any medical treatment whatsoever as this lies, subject to constitutional restraint(s), within the exclusive jurisdiction of the Provinces;
- (ii) That any purported or pretended power, under the emergency branch of P.O.G.G (Peace, Order and and Good Government) can only be done by Legislation, with the invocation, subject to constitutional constraints, of the *Emergencies Act (R.S.C., 1985, c. 22 (4th Supp.))*;
- (iii) That the *Regulations* and Executive decrees mandating such “vaccine mandates” are improper delegation, and constitute “dangling” *Regulations*, not tied to any *Act* of Parliament;
- (iv) That, in any event, any purported mandatory, or coerced *de facto* mandatory vaccine mandates violate ss. 2, 6, 7, and 15 of the *Charter*,

as enunciated, *inter alia*, by the Ontario Court of Appeal in *Fleming v. Reid* (1991) 4 O.R. (3d) 74 and in the Supreme Court of Canada in *Morgentaler (1988)*, *Rodriguez (1993)* and *Rasouli (2013)*, and *Carter (2005)*;

- (v) That any purported mandatory, or coerced *de facto* mandatory vaccines violate ss.2 and ss 7 of the *Charter*, as enunciated, *inter alia*, by the Ontario Court of Appeal in *Fleming v. Reid*, and the Supreme Court of Canada in *inter alia*, *Morgentaler (1988)*, *Rodriguez (1993)*, and *Carter (2005)* violate international treaty norms which constitute *minimal* protections to be read into s.7 of the *Charter* as ruled, *inter alia*, by the Supreme Court of Canada in *Hape*, and the Federal Court of Appeal in *De Guzman*;
- (vi) There is no jurisdiction under s.91 of the *Constitution Act, 1867* to decree any medical treatment whatsoever as this lies, subject to constitutional restraint(s), within the exclusive jurisdiction of the Provinces;
- (vii) The Pre-*Charter* constitutional rights to freedom of conscience and religion as pronounced by the Supreme Court of Canada in, *inter alia*, *Switzman v Elbing and A.G. of Quebec, [1957] SCR 285* and *Saumur v City of Quebec, 2 S.C.R. 299*;
- (viii) violates the rights, under s.2 of the *Charter*, as well as s.1 under the *Canadian Bill of Rights (1960)* to freedom of conscience, belief, and religion;

- (ix) violates s.7 of the **Charter** in violating the right to bodily and psychological integrity, as manifested in the constitutionally protected right to informed, voluntary, consent to any medical treatment and procedure, as well as violating international treaty rights, protecting the same right(s) which protections must be read in as minimal protection under s.7 of the **Charter** in accordance with, *inter alia*, **Hape (SCC)** and **De Guzman (FCA)**;
- (x) violating ss.6 and 7 of the **Charter**;
- (xi) violating s.9 of the **Charter**;
- (xii) violating the pre-**Charter**, recognized rights on “the liberty of the subject” remedied by way of *habeas corpus*.

(b) a further declaration that the use of the PCR test, as a pre-cursor to imposing Quarantine, violates s.14 of the **Quarantine Act (S.C. 2005, c. 20)**;

(c) a further declaration that Her Majesty the Queen’s servants, officials, and agents, in doing so, engaged in the following:

- (i) A contravention of s.126 of the **Criminal Code of Canada** in (knowingly) “disobeying a statute”;
- (ii) Counselling and aiding and abetting a criminal offence, contrary to s.126 of the **Criminal Code of Canada**, for violating the criminal provisions under s. 3-5 and 7 of the **Genetic Non-Discrimination Act (S.C. 2017, c. 3)**;
- (iii) The tort of abuse of process and malicious prosecution in charging those who refused such PCR tests with quasi-criminal offences and fines;

(d) a further declaration that the creation of a “vaccine passport” to travel domestically as well as to enter and leave Canada, violates the Plaintiffs’;

- (i) Pre-*Charter* right to enter and leave, pursuant to the *Magna Carta* as read in through the Pre-amble to the *Constitution Act, 1867*;
- (ii) The rights contained in ss. 6 and 7 of the *Charter*;
- (iii) By international treaty law, as to be read in as a minimal protection under s. 7 of the *Charter* pursuant to, *inter alia*, *Hape* (SCC) and *De Guzman (FCA)*;

(e) a further declaration that there is no rational connection between being vaccinated or not, in terms of avoiding or preventing transmission of the COVID virus, and thus, in drawing a distinction and consequent punitive and depriving measures against the unvaccinated, violates their rights to equality, both pre-*Charter*, as well as under s. 15 of the *Charter*.^b

2. The Plaintiffs further seek:

- (a) The re-instatement of their (employment) positions, *nunc pro tunc*, to the day prior to their being mandatorily placed on leave without pay and subsequently dismissed from their position(s);
- (b) Back-pay from their last day of paid employment to the date of judgment with:
 - (i) Corresponding benefits and financial contribution commiserate with that back-pay including, but not restricted to, pension earning, sick days and other benefits;
 - (ii) Re-instatement at the advanced level they would likely have attained by the date of judgment;

All in accordance with the Supreme Court of Canada ruling in, *inter alia*, **Proctor v. Sarnia Board of Commissioners of Police** [1980] 2 S.C.R. 72;

3. The Plaintiffs further seek, from the Defendants, monetary damages, as follows:
 - (a) For each Plaintiff in general damages as follows:
 - (i) \$100,000 under the tort of misfeasance in public office by the named and unnamed Johns and Janes Doe public officer holders;
 - (ii) \$50,000 each against the Defendants under the tort of intimidation;
 - (iii) \$100,000 each against the Defendants under the tort of conspiracy to deprive them of their constitutional rights;
 - (iv) \$100,000 each, for the actions of Her Majesty the Queen's officials, servants, and agents, in the tort of constitutional violations in violating the Plaintiffs' pre-**Charter** constitutional rights, to freedom of belief, conscience, and religion, violating of their s.2 **Charter** rights to conscience, relief and religion, as well as violation of their s.7 **Charter** rights to bodily and psychological integrity, in violating consent to medical treatment and procedure with respect to COVID-19 "vaccines" and "PCR" testing as well as breach of the right to pre-**Charter** equality as well as section 15 of the **Charter** based on medical status which damages are required to be paid for by the Crown as ruled and set out by the SCC in **Ward v. City of Vancouver**;
 - (v) \$200,000 each per Plaintiff for the intentional infliction of mental distress and anguish to the Plaintiffs by the Defendants;
 - (b) Punitive damages in the amount of \$100,000 per plaintiff for the Defendants callous violation of the Plaintiffs' constitutional rights whereby the Defendants

knew, or had a reckless and wanton disregard to, the fact that they were violating the Plaintiffs' constitutional and statutory rights under Acts of Parliament.

4. The Plaintiffs further seek:

(a) An interim stay/injunction of the Federal “vaccine mandates” and “passports”

nunc pro tunc, effective the day before they were announced and/or implemented;

(b) A final stay/injunction of the Federal “vaccine mandates” and “passports” *nunc*

pro tunc, effective the day before they were announced and/or implemented.

5. The Plaintiffs seek costs of this action and such further and/or other relief as this Court deems just.

THE PARTIES

• The Plaintiffs

6. The Plaintiffs are all either:

(a) Federal (former) Employees of various agencies and Ministries of the

Government of Canada and servants, officials, and/or agents of the Crown;

(b) Employees of Federal Crown Corporations; and

(c) Employees of federally regulated sectors;

As set out and categorized in the style of cause in the within claim.

7. Most of the Plaintiffs were sent home on “leave without pay” and/or subsequently fired for refusing to take the COVID-19 “vaccines” (inoculations) whether or not they were working from home, and/or further refused to multi-weekly PCR testing in order to continue working. All Plaintiffs were placed on leave without pay and fired

pursuant to the purported dictate of the *Financial Administration Act* with respect to Covid-19 “vaccines”, purportedly mandated by the Treasury Board.

8. Some Plaintiffs are/were on medical leave but declined to take the covid-vaccine, particularly of which will be furnished subsequent to the issues of the within Statement of Claim. Some Plaintiffs due to the coercive illegal and unconstitutional actions and dictates of the Defendants and their officials took, under that duress, early and involuntary retirement, particulars of which will be furnished subsequent to the issuance of the within Statement of Claim.
9. All the Plaintiffs possess a conscientious and/or physical /medical reason for refusing to take the COVID-19 “vaccines” (inoculations).
10. While “exemptions” to these “mandatory vaccine mandates” exist, in theory, all of the Plaintiffs who sought an exemption were arbitrarily denied without reasons. The Plaintiffs further state that there is no obligation to seek any exemption before refusing the vaccines.
11. All the Plaintiffs are ineligible for Employment Insurance benefits because they were dismissed for refusing the “vaccines” (Inoculations).
12. All of the Plaintiffs wish to exercise their ss. 6 and 7 of the *Charter* rights to travel within Canada, as well as abroad, which is barred to them by virtue of a non-possession of a “vaccine passport”.

- **The Defendants**

13. The Defendant, Justin Trudeau, is the current Prime Minister of Canada, and as such, a holder of a public office, and a primary propagator of the federal “vaccine mandates”.
14. Deputy P.M Minister of Finance Crystia Freeland, and as such, a holder of public office, and a primary propagator of the federal “vaccine mandates”.
15. The Defendant, Dr. Theresa Tam, is Canada’s Chief Public Health Officer and as such a holder of a public office, centrally responsible for “vaccine mandates”.
16. Marco Mendicino is Canada’s Minister of Public Safety and, as such a holder of public office, and responsible for the enforcement of the “vaccine mandates”.
17. The Defendant Omar Alghabra is the Federal Minister of Transport, as such a holder of public office, and responsible for the enforcement of the “vaccine mandates” with respect to travel within and outside Canada.
18. The Defendants Johns and Janes Doe, are Federal Administrators who implement and enforce the illegal and unconstitutional “vaccine mandates and passports” announced, issued and implemented by the other Defendants.
19. All the Defendants have knowingly, expressly, and through their actions planned, executed, and continue to enforce a coercive and *de facto* mandatory vaccine mandate, under the threat and actual firing the Plaintiffs from their employment, and further barring the Plaintiffs from their employment insurance benefits for refusing the vaccine, and further barring the Plaintiffs from traveling within and outside Canada on planes, trains and boats.

20. The Defendant Her Majesty the Queen in Right of Canada, is statutorily and constitutionally liable for the acts and omissions of her officials, particularly with respect to *Charter* damages as set out by the SCC in, *inter alia*, *Ward v. City of Vancouver*, without the necessity of **mala fides**.
21. The Defendant Attorney General of Canada is, constitutionally, the Chief Legal Officer, responsible for and defending the integrity of all legislation, and Federal executive action and inaction, as well as responding to declaratory relief, including with respect constitutional declaratory relief, and required to be named as a Defendant in any action for declaratory relief.

THE FACTS

22. The facts of this case are as set out below.
23. All the Plaintiffs were sent home on “leave without pay” and/or subsequently fired for refusing to take the COVID-19 “vaccines” (inoculations) whether or not they were working from home, and/or further refused to multi-weekly PCR testing, at their own expense, in order to continue working. This, pursuant to the dictates set out, purportedly, under ss.7 and 11 of the **Financial Administration Act**.
24. All the Plaintiffs possess a conscientious and/or physical /medical reason for refusing to take the COVID-19 “vaccines” (inoculations).
25. While “exemptions” to these “mandatory vaccine mandates” exist, in theory, all of the Plaintiffs who sought an exemption were arbitrarily denied without reasons. The Plaintiffs further state that there is no obligation to seek any exemption before refusing the vaccines.

26. Some Plaintiffs are/were on medical leave but declined to take the covid-vaccine, particularly of which will be furnished subsequent to the issues of the within Statement of Claim. Some Plaintiffs due to the coercive illegal and unconstitutional actions and dictates of the Defendants and their officials took, under that duress, early and involuntary retirement, particulars of which will be furnished subsequent to the issuance of the within Statement of Claim.
27. All the Plaintiffs are ineligible for Employment Insurance benefits because they were dismissed for refusing the “vaccines” (Inoculations).
28. In particular, the following Plaintiffs:
 - (a) Shauna Lee Leclair and Anne Cheng resigned early and involuntarily under duress, under threat of being fired if they did not vaccinate;
 - (b) Patrick Roy took the vaccine under duress and involuntarily;
 - (c) Jacqueline Robinson, Monique Harris, and Nathan Aligizakis, along with other Plaintiffs, submitted exemptions and were denied.
29. All the Plaintiff John and Jane Does have initiated this proceeding as John and Jane Does due to their *bona fide* and reasonable fear of negative repercussions, as well as family and societal stigma and vilification from being identified, publicly, as “anti-vaxxers”.
30. All of the Plaintiffs wish to exercise their ss. 6 and 7 of the **Charter** rights to travel within Canada, as well as abroad, which is barred to them by virtue of a non-possession of a “vaccine passport”, notwithstanding that airlines and foreign countries of destination do not require nor do the airlines.

31. All the Defendants have knowingly, expressly, and through their actions planned, executed, and continue to enforce a coercive and *de facto* mandatory vaccine mandate, under the threat and actual firing the Plaintiffs from their employment, and further barring the Plaintiffs from their employment insurance benefits for refusing the vaccine, and further barring the Plaintiffs from traveling within and outside Canada on planes, trains and boats.

• **The “Pandemic” and its Measures**

32. The Plaintiffs state, and the fact is, that there is no, and there has not been, a “COVID-19 pandemic” beyond and/or exceeding the consequences of the fall-out of the pre-covid annual flu or influenza.

33. The Plaintiffs further state that, since early 2020, to the present, being three (3) flu seasons, the purported deaths resulting from complications of the COVID-19 have **not** been any marginally higher than the annual deaths from complications of the annual influenza.

34. The fact, and data is, that the COVID-19 measures have caused, to a factor of a minimum of five (5) to one (1), **more deaths** than the actual purported COVID-19 has caused. Given the admittedly high death/injury rates as a result of the cover 19 vaccines, and the most affected age groups, and given the most recent definition of what is required to be “up to date”, namely:

- (a) for people who are moderately or severely immunocompromised– five (5) doses; and
- (b) for adults ages 60 and over and First Nation, Inuit and Métis individuals and their non-Indigenous household members – four (4) doses; and

(c) for adults up to 59 years of age – four (3) doses; and

(d) children, ages 12 to 17 – three (3) doses;

that this vaccine agenda is turning into a *de facto* eugenics agenda. The number of doses is forecast to increase every three (3) months.

35. The facts are that in Canada, 86% of all purported deaths have occurred in long-term care (LTC) facilities at an average age of 83.4 years, which exceeds the general life expectancy of Canadians, of age 81.

36. The Defendant officials scandalously claim that, during COVID-19 pandemic there have been **no** annual flus.

37. In Canada, no person under age 19 has died from COVID-19, as the primary cause of death (without co-morbidities).

38. The death rate for those who have contracted the COVID-19 virus has been 0.024 % (one quarter of one percent) for adults, and 0.0 % (zero) for children.

39. The Defendants and their officials falsely claim that Canada's death rate from Covid-19, being no higher than the complications of the annual flu, is because of the measures taken. This is wild speculation and incantation which could only be proven by comparison of jurisdictions (states and countries) which have taken **no** or **little** COVID measures against countries, such as Canada, who have taken severe measures.

40. A comparison of jurisdictions (such as some U.S. states) and 14 other countries who took no or little covid-19 measures shows that those jurisdictions and countries taking no or little measures fared just as well, and in fact **better** than countries such as Canada.

- **The Case Counts**

41. The Defendants, as well as provincial authorities, have based all their rationale and measures, with respect to Covid-19, tied to the “case counts” of positive testing for the Covid virus (SARS-CoV-2).
42. Case counts are based on “positive” PCR tests. “PCR” test, which when run **above a “35 thresh-hold cycle”**, have been found, by various court jurisdictions, and the avalanche of scientific data and expertise, to produce a **96.5% “false positive” rate**. This means that for every 100 “positive” cases announced, there are only 3.5 actual positive “cases”.
43. In Canada, PCR testing is conducted at 43 to 47 threshold cycle rates, well above the 35-threshold cycle rate. These cycle rates are not cumulative but exponential with each cycle exponentially distorts and magnifying the false positive rate.
44. The PCR tests, according to its inventor, Kary Mullis, who won the Nobel Prize for inventing the PCR test who, was unequivocally and adamantly loud, before his death in October, 2019, that his PCR machine and test does **not** and **cannot** identify **any** virus, but is merely a screening test which must be followed by a culture test (of attempting to reproduce the virus) and concurrent blood (anti-body test), in order to determine whether that virus identified in the PCR test is dead (non-infectious) or alive (infectious). This is the so-called “gold standard” to verify the existence of any virus. This is **not** done in Canada with respect to the SARS-CoV-2.
45. The fact is that, above and beyond all the above, the virus, SARS-CoV-2 has **not** yet been identified or isolated anywhere in the world.

- **The COVID-“Vaccines” (Inoculations)**

46. The COVID-19 “vaccines” are not “vaccines”. They have not gone through the required protocols nor trials. Their human trials are to end in 2023. They are “emergency use” “medical experimentation” as medically and historically understood.
47. Therefore, at this moment, they are admittedly “medical experimentation”. Medical experimentation without voluntary, informed, consent, is a Crime Against Humanity born out of the Nuremberg Code, following the Nazi experimentation under the Nazi regime. They are also contrary to the Helsinki Declaration (1960).
48. Statistics, from Pfizer post-authorization data, in part, show that:
 - (a) Of a group of 40,000 participants (with a significant number receiving “placebos”), there were 1,223 deaths:
 - (b) That 10% of pregnant women spontaneously aborted, with an extreme number of still-born deaths of vaccinated pregnant women; and
 - (c) a long list of severe, permanent side-effects.
49. The Plaintiffs further state, and fact is, that according to Public Health officials, including the Defendant, Teresa Tam:
 - (a) The COVID-19 “vaccines” do **NOT** prevent transmission of the virus, even as between vaccinated and vaccinated individuals;
 - (b) That the “vaccines” merely suppress symptoms;
 - (c) That, in order to maintain a “vaccinated status”, a “booster” shot of the useless and ineffective “vaccines”, must be taken every three (3) months, projected to

continue, judging by the number of vaccines Justin Trudeau announced that he procured from Pfizer, until the year 2025;

- (d) That the variants require these boosters and public health officials falsely claim that the “unvaccinated” are causing the “variants”.

50. The Plaintiffs state, and the fact is, that internationally renowned experts, including a Nobel Prize winner in virology, Luc Montagnier, adamantly state and warn that it is **the “vaccines”** which are creating the “variants”.

51. The Plaintiffs state, and the fact is, that on the Defendants’ own assessment and claim there is:

- (a) No correlation between transmission as between the vaccinated and unvaccinated;
- (b) COVID “vaccines” do not prevent transmission nor immunize the vaccinated against the virus;
- (c) That the “vaccines” merely suppress the virus symptoms;
- (d) That the “vaccines” effectiveness at even suppressing the symptoms are at best, 90 days (3 months).

The plaintiffs therefore state, and the fact is, that the measures taken are irrational, arbitrary, and violate the Plaintiff’s rights to equal treatment before the law, as well as violate s.15 of the *Charter*.

- **Tortious Conduct (at Common Law) Inflicted Against the Plaintiffs**

- **Misfeasance of Public Office**

52. The Plaintiffs state, and fact is, that the Defendants, Justin Trudeau, Teresa Tam, and the other Co-Defendants have knowingly engaged in misfeasance of their public office, and abuse of authority, through their public office, as contemplated and set out by the Supreme Court of Canada in, *inter alia*, ***Roncarelli v. Duplessis*, [1959] S.C.R. 121** ***Odhavji Estate v. Woodhouse* [2003] 3 S.C.R. 263, 2003 SCC 69** by knowingly:

- (a) Exercising a coercive power to force unwanted “vaccination” knowing that:
 - (i) It is not a power section 91 of the ***Constitution Act, 1867*** grants the Federal Government as medical treatment is a matter of exclusive Provincial legislation, absent legislation and declaration of the ***Emergencies Act***, subject to constitutional constraints. as set out and noted in the ***Emergencies Act*** itself;
 - (ii) Such coercive mandates and measures violate ss.2, 6, 7, and 15, of the ***Charter***;
 - (iii) Such coercive measures violate the ***Genetic Non-Discrimination Act***;
 - (iv) Such coercive measures violate international (treaty) norms and rights, which norms and rights are read into s. 7 of the ***Charter***;
 - (v) Such coercive measures in ignoring the statutory prohibitions, further constitute offences under **the *Criminal Code of Canada***, including: disobeying a statute (s. 126) and Extortion (s. 346);

- (vi) That such coercive measures were planned, executed, and implemented knowingly and perpetual statements and threats by Justin Trudeau and other Defendants that, “not vaccinating will carry consequences”;
- (vii) By coercive statements such as by Trudeau that: “The bottom line is if anyone who doesn't have a legitimate medical reason for not getting fully vaccinated chooses to not get vaccinated, there will be consequences”;
- (viii) By further inflammatory statements by Trudeau made on or about September 16, 2021 that persons who decline the vaccines: "Don't believe in science, they're often misogynists, also often racists,". “It's a small group that muscles in, and we have to make a choice in terms of leaders, in terms of the country. Do we tolerate these people?”

53. The Plaintiffs further state, and the fact is, that as a result of this misfeasance of public office, the Plaintiffs have been caused damages, including, but not restricted to:

- (a) Loss of their livelihood;
- (b) Mental anguish and distress;
- (c) Loss of dignity and discrimination based on their medical status;
- (d) Violation of their ss.2, 6, 7, and 15 of their **Charter** rights.

- **Conspiracy**

54. The Plaintiffs further state that the Defendants, through their statements, actions, and co-ordinated actions and offices, are engaging in the tort of conspiracy as set out, *inter alia*, by the Supreme Court of Canada in ***Hunt v. Carey Canada Inc [1990] 2 S.C.R. 959*** in that:

- (a) the means used by the defendants are lawful or unlawful, the predominant purpose of the defendants' conduct is to cause injury to the plaintiff; or,
- (b) where the conduct of the defendants is unlawful, the conduct is directed towards the plaintiff (alone or together with others), and the defendants should know in the circumstances that injury to the plaintiff is likely to and does result.

The Defendants do so through the implementation of coercive and damaging measures, including the infliction of a violation of their constitutional rights, as set out above in the within statement of claim; and/or which has caused the Plaintiffs damages including, but not restricted to:

- (c) Loss of their livelihood;
- (d) Mental anguish and distress;
- (e) Loss of dignity and discrimination based on their medical status;
- (f) Violation of their ss.2, 6, 7, and 15 of their ***Charter*** rights.

55. The Plaintiffs state, and the fact is, that this conspiracy, between the named, and unnamed Johns and Janes Doe administrators, is borne out, by way of:

- (a) Public statements by Trudeau and other Defendants that “not vaccinating will carry consequences”:

- (b) That those who decline vaccines "Don't believe in science, they're often misogynists, also often racists," "It's a small group that muscles in, and we have to make a choice in terms of leaders, in terms of the country. Do we tolerate these people?"
- (c) It is not a power section 91 of the *Constitution Act, 1867* grants the Federal Government, absent legislation and declaration of the *Emergencies Act*, subject to constitutional constraints as set out as redundantly noted in the *Emergencies Act*;
- (d) Such coercive mandates and measures violate ss.2, 6, 7, and 15, of the *Charter*;
- (e) Such coercive measures violate the *Genetic Non-Discrimination Act*;
- (f) Such coercive measures violate international (treaty) norms and rights, which norms and rights are read into s. 7 of the *Charter*;
- (g) Such coercive measures in ignoring the statutory prohibitions, further constitute offences under **the Criminal Code of Canada**, including: disobeying a statute (s. 126) Extortion (s. 346);
- (h) That such coercive measures were planned, executed, and implemented knowingly through the actions of the Defendants and perpetual statements, and threats, by Justin Trudeau and other defendants that, "not vaccinating will carry consequences".

- **Intimidation (through Third Parties)**

56. The Plaintiffs state, and fact is, that the Defendants, Justin Trudeau, Teresa Tam, and other Co-Defendants, in:

- (a) Making their public threats of “consequences” for not “vaccinating”; and
- (b) In implementing vaccine employment requirements of take the “jab or lose your job”; and
- (c) Making such statements that those who decline vaccines: “Don’t believe in science, they’re often misogynists, also often racists,”. “it’s a small group that muscles in, and we have to make a choice in terms of leaders, in terms of the country. do we tolerate these people?”
- (d) In then mandatorily drafting third parties such as government agencies, Crown corporations, and federally regulated sectors, into implementing those knowingly coercive, illegal, and unconstitutional measures in, and outside Canada;

Are liable in the tort of intimidation as set out in, *inter alia*, by the Court of Appeal of Ontario in *McIlvenna v. 1887401 Ontario Ltd.*, 2015 ONCA 830, and other Supreme Court of Canada jurisprudence, as follows:

[23]The tort of intimidation consists of the following elements:

- (a) a threat;
- (b) an intent to injure;
- (c) some act taken or forgone by the plaintiff as a result of the threat;
- (d) as a result of which the plaintiff suffered damages:

Score Television Network Ltd. v. Winner International Inc., 2007 ONCA 424, [2007] O.J. No. 2246, at para. 1; see also Central Canada Potash Co. v. Saskatchewan, 1978 CanLII 21 (SCC), [1979] 1 S.C.R. 42. Although the pleading of intimidation is most frequently seen in the context of economic torts, the business context is not an essential element of the tort.

which has caused the Plaintiffs damages including, but not restricted to:

- (e) Loss of their livelihood;
- (f) Mental anguish and distress;
- (g) Loss of dignity and discrimination based on their medical status;
- (h) Violation and forfeiting their constitutional rights under ss.2, 6, 7, and 15 of their **Charter** rights;
- (i) The forfeiting of their chosen vocations.

57. The Plaintiffs state that, in exercising their constitutional right(s) to choose not to take the Covid-19 “vaccines” they have been forced to forfeit those ss. 2, 6, 7, and 15 **Charter** rights and forced to forfeit their livelihood in their federal or federally regulated employment which has led to the suffering of damages as set out above in the within statement of claim.

• **Intentional Infliction of Mental Anguish**

58. The Plaintiffs state, and the fact is, that the Defendants, through their illegal and unconstitutional “vaccine” and other Covid-19 mandates and “passports”, have knowingly inflicted mental anguish on the Plaintiffs, as one of the “consequences” of exercising their constitutionally protected right(s) to decline any medical treatment and/or procedure based on the constitutionally protected right to informed, voluntary, consent.

59. The Plaintiffs further state, and the fact is, that they are knowingly inflicting this mental anguish and distress, which is manifested by:

- (a) The Defendants’ public statements that they know that they cannot “force” mandatory vaccination as it is unconstitutional;

(b) However, that not “voluntarily” “vaccinating” will “have consequences”, which renders the decision involuntary through coercion and equally unconstitutional conduct, as set out by the Supreme Court of Canada in, *inter alia*, in the *Morgentaler* case;

(c) By stating that those who decline vaccines: "Don't believe in science, they're often misogynists, also often racists,". "It's a small group that muscles in, and we have to make a choice in terms of leaders, in terms of the country. Do we tolerate these people?" Thus vilifying and making the Plaintiffs the objects of disdain, disgust and abuse, which furthers the mental anguish and anxiety.

(d) Exercising a coercive power to force unwanted vaccination knowing that:

(i) It is not a power section 91 of the *Constitution Act, 1867*, grants the Federal Government, absent legislation and declaration of the *Emergencies Act*, subject to constitutional constraints as set out and noted in the *Emergencies Act*;

(ii) It is an issue already judicially determined to violate s. 7 of **Charter** and not saved by s. 1, as already ruled by, *inter alia*, by the Ontario Court of Appeal in *Fleming v. Reid* (1991) 4 O.R. (3d) 74 and in the Supreme Court of Canada in *Morgentaler (1988)*, *Rodriguez (1993)* and *Rasouli (2013)*, and *Carter (2005)* (at paragraph 67);

60. The Plaintiffs state, and the fact is, that such coercive and unconstitutional conduct, and infliction of mental anguish and distress, includes the prohibition of applying for Employment Insurance benefits if dismissed for exercising their right(s) to informed,

voluntary, consent with respect to medical treatment and/or procedure, as well as being vilified as “anti-vaxxers” and prohibited from travel.

- **Violation of Constitutional Rights**

- **Freedom of Conscience, Belief, and Religion (S. 2 of the *Charter*)**

61. The Plaintiffs state, and the fact is, that their pre-***Charter***, recognized constitutional right(s) to freedom of conscience, belief, and/or religion have been violated, as set out by the Supreme Court of Canada in, *inter alia*, ***Switzman, v Elbing*** and ***Saumar v City of Quebec***, recognized as **rights** through the pre-amble of the ***Constitution Act, 1867***.
62. The Plaintiffs further state, that these rights are mirrored in s. 2 of the ***Charter***, and s.1 of the ***Canadian Bill of Rights*** (1960) and further violate those rights.
63. The Plaintiffs state, and the fact is, that the sincerely held belief of one (1) single individual, in the absence of a large group sharing that belief, is constitutionally protected under s. 2 of the ***Charter***, as set out by the Supreme Court of Canada in, *inter alia*, ***Big M Drug Mart***.
64. The Plaintiffs state, as a result of this violation, the Plaintiffs have suffered damages, including, but not limited to:
 - (a) Loss of their employment;
 - (b) Mental anguish and distress;
 - (c) Loss of dignity and discrimination based on their medical status;
 - (d) Violation of their ss.2, 6, 7, and 15 of their ***Charter*** rights.

For which they seek damages under s. 24(1) of the **Charter** because these violations are not saved by s.1 of the **Charter**, which damages are payable and must be paid, by the Crown, as set out by the Supreme Court of Canada in, *inter alia*, the *Ward v City of Vancouver* case.

- **Life, Liberty, and Security of the Person (s.7 of the Charter)**

65. The Plaintiffs further state, and the fact is, that the Ontario Court of Appeal, and other Appellate Courts, as well as the Supreme Court of Canada, have clearly ruled that:

- (a) s.7 of the **Charter**, protects a person's physical and psychological integrity;
- (b) s.7 of the **Charter** , in that broad context, also protects the right to informed, voluntary, consent, to any medical treatment and/or procedure, and equally s. 7 **Charter** protected rights to refuse any medical treatment or procedure; that the Defendants are fully aware of the above and do not care, callously ignore, and violate the right of the Plaintiffs; and
- (c) The Defendants hide behind a transparent Fig-leaf that while not "mandatory", failure to vaccinate "has (coercive and seismic) consequences" which coercive measures amount to making the vaccine mandates, and vaccines mandatory and unconstitutional as enunciated by the Supreme Court of Canada in, *inter alia*, the *Morgentaler*, *O'Connor* cases as well as the *Carter* decision.

66. The Plaintiffs state, as a result of this violation, the Plaintiffs have suffered damages, including, but not limited to:

- (a) Loss of their employment;
- (b) Mental anguish and distress;
- (c) Loss of dignity and discrimination based on their medical status;

(d) Violation of their ss.2, 6, 7, and 15 of their *Charter* rights.

For which they seek damages under s. 24(1) of the *Charter* because these violations are not saved by s.1 of the *Charter*, which damages are payable and must be paid, by the Crown, as set out by the Supreme Court of Canada in, *inter alia*, the *Ward v City of Vancouver* case.

• **Ss. 6 and 7 of the *Charter* – Vaccine Passports – Travel Bans**

67. The Plaintiffs further state that “vaccine passports” further violate their explicit right(s) under s.6 and 7 of the *Charter* granting them mobility of travel, domestically and internationally, which violations are arbitrary (contrary to s.7), irrational, and disproportionate, and thus fail any s.1 fundamental justice, or s.1 *Charter* analysis, in that:

- (a) The Defendants admit, in their public statements, and scientific data, and science confirms, that transmission of the virus as between the vaccinated-to-vaccinated and vaccinated-to-unvaccinated, and *vice versa*, is NOT prevented by the COVID-19 “vaccines” (inoculations);
- (b) That there is NO rational connection between being **un**vaccinated and higher risks of transmission;
- (c) That the punitive bar to travel and board planes, trains, and boats is simply an irrational, arbitrary, over-reaching **punitive** dispensation of *Charter* violations and part of the malicious “consequences” of simply NOT “vaccinating”.

68. The Plaintiffs state, and the fact is, that the “vaccine passports” are not in furtherance of a “public health agenda” but simply of an irrational coercive “vaccine political agenda” knowingly geared at the violation of rights to informed, voluntary, consent

and the constitutional right to decline any medical treatment and/or procedure. The Plaintiffs state that it is thus purely political.

69. The Plaintiffs state, and the fact is, that as a result of the “vaccine passports”, and the removal of their mobility rights, the Plaintiffs have suffered, and will continue to suffer damages, which include, but are not restricted to:

- (a) An inability to travel to visit family, which family relationships, particularly between parent and child are constitutionally protected under s.7 of the *Charter* as set out by the Supreme Court of Canada;
- (b) That this restriction under **Interim Order Respecting Certain Requirements for Civil Aviation Due to Covid-19, No.61**, from visiting family creates mental anguish and distress when that travel to visit family includes members facing death, medical conditions, funerals, (particularly when attendance is religiously required), weddings, confirmations, bar mitzvahs, etc;
- (c) An inability to vacation which is essential to recouping physical and psychological rest and integrity, which physical and psychological integrity is protected under s. 7 of the *Charter*;
- (d) Travel to attend specialized medical treatment not available locally;
- (e) Restrictions to obtaining domestic medical treatment in hospital for lack of a “vaccine passport”;
- (f) Prohibitions against entering domestic hospitals:
 - (i) When a spouse is giving birth to their child;
 - (ii) When a loved-one is dying, under palliative care;

All of which violate physical and psychological integrity under s. 7 of the **Charter**, by denial of the explicit mobility rights protected by s.7 of the **Charter** (liberty and security of the person) as well as the mobility (travel) rights specifically protected under s. 6 of the **Charter**.

70. The Plaintiffs state, as a result of this violation, the Plaintiffs have suffered damages, including, but not limited to:

- (a) Loss of their employment;
- (b) Mental anguish and distress;
- (c) Loss of dignity and discrimination based on their medical status;
- (d) Violation of their ss.2, 6, 7, and 15 of their **Charter** rights.

For which they seek damages under s. 24(1) of the **Charter** because these violations are not saved by s.1 of the **Charter**, which damages are payable and must be paid, by the Crown, as set out by the Supreme Court of Canada in, *inter alia*, the **Ward v City of Vancouver** case.

- **“Vaccinated” versus “Unvaccinated” Equality Violations**

71. The Plaintiffs state, and fact is, that the Defendants’ “vaccine mandates and passports” have driven an irrationally, malicious, disproportionate and punitive wedge between the “vaccinated and unvaccinated” notwithstanding the Defendants’ admission that the “vaccines” have little to no effectiveness in preventing transmission between anyone, whether vaccinated or unvaccinated, thereby engaging in a punitive and unequal and discriminatory treatment for those, who have chosen to exercise their constitutionally protected rights, pre-and post- **Charter**, to informed

voluntary, consent, to any medical treatment/procedure, and the conditional right to decline treatment and *procedure*.

- **Pre-Charter rights to Equality of Treatment**

72. The Plaintiffs state, and fact is, that the Supreme Court of Canada, pre-*Charter*, recognized equality of treatment by governments of all its citizens in, *inter alia*, the *Winner (1952)* case. This right to equality, was also recognized, by the U.S Supreme Court, in *inter alia*, *Bolling* absent an equality provision, as a matter of due process and fundamental justice protecting citizens from arbitrary, irrational, action, the hallmark of s.7 of the *Charter*, whereby equality under s.15 and s. 7 of the *Charter* was recognized as a matter of due process, by the Supreme Court of Canada in *Schmidt (1987)*.
73. The Plaintiffs state, and the fact is, that their mistreatment, as “unvaccinated” citizens, violates their right against unequal treatment recognized, pre-*Charter*, as a constitutional **right** emanating from the Rule of Law, an unwritten conditional principle and imperative.
74. The Plaintiffs state, and fact is, that what is being violated is a recognized unwritten constitutional RIGHT which is not to be equated nor confused with an unwritten constitutional PRINCIPLE of Rule of Law, Constitutionalism, Democracy, Federalism, and Respect for Minorities as enunciated by the Supreme Court of Canada in the *Reference re Secession of Quebec, [1998] 2 S.C.R. 217*
75. What is being relied upon here are the specific **rights recognized** through the preamble of the *Constitutional Act, 1867*, and not the general underlying structural imperatives of the unwritten constitutional principles.

76. The Plaintiffs state and the fact is, that where there is a violation of an "unwritten" constitutional **right**, read in through to the pre-amble of the *Constitution Act, 1867*, there is no s.1 *Charter* analysis, nor are the rights subject to s.33 *Charter* override as this source is not the *Charter*.

- **S. 15 of the *Charter* – Discrimination on Enumerated and Analogous Grounds**

77. The Plaintiffs state and the fact is, that the Defendants have violated their right(s) against discrimination based on medical status, as follows:

- (a) By ironically creating, in law, two immutable classes of individuals: the covid-“vaccinated” versus the covid-“unvaccinated”;
- (b) These two classes are immutable in that, once vaccinated, you are forever vaccinated and, so long as citizens choose to decline the “COVID-19 vaccines” (inoculations) there will be that immutable class based on medical status and thus, is akin to religion and belief in that, while a person may change beliefs or religion, the class is immutable, one is either vaccinated or not, in whole or in part, in this case, a person is “unvaccinated” by mere virtue of the absence of the COVID-19 “vaccination” , even though the person has had other vaccines, including the annual flu shot;
- (c) The Plaintiffs are being denied rights and benefits and moreover, other constitutional rights, based on this discriminatory treatment.

78. The Plaintiffs state, as a result of this violation, the Plaintiffs have suffered damages, including, but not limited to:

- (a) Loss of their employment;

- (b) Mental anguish and distress;
- (c) Loss of dignity and discrimination based on their medical status;
- (d) Violation of their ss.2, 6, 7, and 15 of their **Charter** rights.

For which they seek damages under s. 24(1) of the **Charter** because these violations are not saved by s.1 of the **Charter**, which damages are payable and must be paid, by the Crown, as set out by the Supreme Court of Canada in, *inter alia*, the *Ward v City of Vancouver* case.

The Plaintiffs further state, and the fact is, that the rights under the **Charter** do not sit in silo isolation of each other but are inter-twined and inseparable as set out by the SCC in, *inter alia*, *Morgentaler*, which case was unanimously endorsed by the SCC in *inter alia*, *O'Connor*.

- **S.1 of the Charter**

79. The Plaintiffs state, and the fact is, that **none** of the **Charter** violations pleaded in this statement of claim are saved by s. 1 of the **Charter** in that:

- (a) At this point “vaccine mandates and passports” are no longer part of a valid public health objective, if they ever were, as “COVID-19 vaccines” as they have been admitted to, and proven as, completely ineffective in blocking transmission and thus the objective now is clearly a never ending “vaccine objective” of a “booster” every three (3) months simply to “suppress symptoms” with absolutely no consequence to effective resistance from transmission.
- (b) The vaccine mandates and passports are thus, and further arbitrary and irrational;
- (c) These mandates and passports do NOT minimally impair the **Charter** rights being violated and therefore are overly-broad;

(d) And, lastly, the measures' and passports' deleterious effects far outweigh the beneficial effects in that, *inter alia*:

- (i) The deaths attributable to the COVID measures themselves far exceed the purported deaths from COVID-19 itself to a factor of a minimal of five (5) to one (1);
- (ii) The economic devastation and cost has been seismic;
- (iii) *De facto* over-ride and blanket removal of constitutional right(s) and the Rule of Law is pervasive, at the arbitrary command and benefit of a handful of unelected and democratically and constitutionally unaccountable "public health officers" acting in place of Legislatures, via decree, and in the absence of legislation and judicial scrutiny.

- ***Violation of Pre-Charter Constitutional Rights***

80. The Plaintiffs state, and the fact is, that where the Defendants are in violation of pre-existing recognized constitutional rights that pre-date the ***Charter***, no s. 1 analysis ensues.

RELIEF SOUGHT

81. The Plaintiffs therefore seek:

- (a) The relief and damages sought in paragraph 1 through 5 of the within statement of claim;
- (b) Costs of this action on a solicitor -client basis regardless of outcome;
- (c) Such further or other relief as counsel to the Plaintiffs may advise and/or this Honourable Court deems just.

The Plaintiffs propose that this action be tried at Toronto.

Dated at Toronto this 25th day of May, 2022.



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Solicitor for the Plaintiffs

Court File No.:

FEDERAL COURT

B E T W E E N:

Karen Adelberg et al.

Plaintiffs

- and -

HER MAJESTY THE QUEEN,

Defendants

STATEMENT OF CLAIM

(Pursuant to s.17(1) and (5) (b) *Federal Courts Act*, and s.24(1) of the *Charter*)

(Filed this 30th day of May, 2022)

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