



File:

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

B E T W E E N:

Brad Katanik, Marcel Willoughby, Agata Sieron, Delmar Dias, Joy Bardhan, Patrick Shaw, Patrick Dill, Gideon Boateng, Christopher Veit, Michael Polito, Robert Tyrrell, Thomas Tsivoulas, Mykola Pirianov, Cesare Petrucci, Branko Dojcinovic, John Rombeiro, Andrew Wilkinson, Noah Bunnett, Corrado Di Rosa, Douglas Casey, Giuseppe Mercurio, Konrad Kruszewski, Harkirat Kaur Marwaha, Emanuel Cabral, Salvatore DiBratto, Douglas Thomson, Elliott Thomson, Giuseppe Addeo, Stephen Bruyea, Filip Culjak, Weston Graham, Michael Trovato, Tom Humphreys, Robert Gauthier, Michael Mendoza, Gregg Anderson, Nallis Grant, Patricio, Andres Romero Figueroa, Daniel Gabriel, Zaeem Umar, Kayla Audriana Thompson, Aldane Barrett, Adam Cholmondeley, Vasilios Frangias, Garifalia Akouros, Paulo Do Carmo, Joseph Stafrace, Ruslan Sanya, Neil Rocha, Vince Modica, Yuliya Snegova, Manuel Scarola, Thomas Andre Daysant, Stephen Nicholson, Mathew Giroux, Andrew Stephen, Steve Hill, Kevin Ng-Wai, Donald Brooker, Desmond Forrest, Jason Pereira, Naciye Tumer, Chris Perivolaris, Pellegrino Parato, Paolo Cichella, Jermaine Scott, Mario Jurcic, Shane Williams, Steve Romios, Fernando Morasky, Adam Oztopaloglu, **(Toronto Transit Commission TTC)**

-and-

Gordon Hannaford, John Corkey, Daniel Bloxam, Lori Perkin, Jason Cooke, Adam McFadden, David Kaufman, Brian Hamill, Adam Young, Colin Morrison, Matthew Fortier, Samuel Kim, James Siddall, Katherine Machuk, Joe Van Kuren, Mike Maroy, Matt Rayner, Kathryn Weiss, Peter Evans, John Alexandridis, Christopher Casa, Anthony (Tony) Casarin, Michael Mattat, Daniel Cicchirillo, Lachlan Mackenzie, Phillip-Lee Franchetto, Denis Sulllivan, Michael Spadafora, David Moore, Jordan Corcoran, Srdjan Elez, Jason Plugowsky **(City of Toronto Fire Services)**

-and-

Sgt. Julie Evans, Sgt. Gregory Boltyansky, Adrienne Gilvesy, Matthew Blacklaws, ), John Doe #1, ), John Doe #2, John Doe #3, John Doe #4, Len Faul, Lidia Caruso, Robert LeMaitre, Dranadia Roc, Don Garcia, Giuseppe Cicchirillo, Stefania Garofoli, Peter Hwang, Dustin McGrath, Tanya Gripich, Ingrid Singer, Daniel Hudson, Surendran Sivadasan, Roberto Calà, Orang Momeni, Richard Poole, **(City of Toronto Police)**

-and-

Justin Raposo, **(Auto IQ Oakland Ford-Lincoln)**

-and-

Kelley Willemze, (**City of Cambridge/ Cambridge Fire Department**)

-and-

Tracy Peura, (**City of Greater Sudbury**)

-and-

Michelle Roberts, (**City of Guelph Fire Department**)

-and-

Mark Allan Wilson, Esther Stevenson (Jenkins) (**City of Guelph Paramedic Services**)

-and-

Shawn Elliott, (**City of Hamilton Fire Department**)

-and-

Larissa Gould, (**City of Hamilton Health Services**)

-and-

Melissa Drozd (Keefner), Asuf Khokhar, Candice Reggi, (**City of Hamilton Police**)

-and-

Dwayne Benjamin, Joshua Wong, Andrew Tamburro, (**City of Markham Fire Department**)

-and-

Alex Possamai, (**City of Mississauga Fire Department**)

-and-

Colleen Leslie, (**City of Ottawa Aquatics**)

-and-

Martin Ince, Shawn Emery, (**City of Ottawa Transit**)

-and-

Sonja Dussault, (**City of Ottawa Case Management**)

-and-

Christine Hogan, (**City of Ottawa Infrastructure**)

-and-

Stephanie Wong, (**City of Ottawa Social Services**)

-and-

Sarah Gendron, (**City of Ottawa Dental**)

-and-

Darrell Medaglia, (**City of Ottawa Facilities**)

-and-

Matthew U.S. Connor, (**City of Ottawa Financial**)

-and-

Thomas O'Connor, Sophie Roy (**City of Ottawa Paramedics**)

-and-

Evan Jaundziekars, (**City of Ottawa Equipment**)

-and-

Patrick Gauthier, Joshua Bennett, (**City of Ottawa Fire Department**)

-and-

Michael Gatti, Scott McRae, Jane Doe #1, Robert Stocki, (**City of Ottawa Police**)

-and-

Alisa Wulff, (**City of Pickering Fire Department**)

-and-

Joshua Posteraro, (**City of Pickering Labour**)

-and-

Lydia Nicholl, (**City of Toronto Security**)

-and-

Yolanda Domingo-Likaj, Malgorzaia Gorski, (**City of Toronto Dental**)

-and-

Lori Houle, (**City of Toronto Child Services**)

-and-

Elena Hamici, Leslie Wong, (**City of Toronto LTC**)

-and-

David Searle, Joanna Medri, Scarlett Martyn, Anita Kim, Michael Wulff, (**City of Toronto Paramedic**)

-and-

Graciela Vecchia, (**City of Toronto Public Health**)

-and-

Karen Collura, (**City of Toronto South Detention Centre**)

-and-

Marzena Chojnacka , Gabriela Dimiskovska-Dimitrijevik (**City of Toronto Water**)

-and-

James Moore, (**City of Windsor Fire Department**)

-and-

Matthew Kennedy, (**City of Windsor Police**)

-and-

Candice Reggi, Adriana Krzeszowski, Vilika Zafirides, (**Hamilton Police Services**)

-and-

Nicholas Pietras, Stacey Becker, (**Headwaters Healthcare**)

-and-

Antonell Scott, (**Homewood Health Centre (Brampton)**)

-and-

Pamela Kimberly Dale Oliver, (**Linhaven, Long Term Care Home**)

-and-

Charles Wilson, Michael Groves, (**Ministry of Solicitor General of Ontario**)

-and-

Ronald Morissette, Daniel Waechter, (**Municipality of Durham Construction**)

-and-

Maria Posteraro, (**Municipality of Durham Finance**)

-and-

Justin Gormley, (**Municipality of Durham Water Pollution**)

-and-

Lisa Russo, (**Municipality of Durham Pensions**)

-and-

Sandra Taylor, (**Municipality of Durham Projects**)

-and-

Johanna Gyorgyjakab , (**Municipality of Durham Transit**)

-and-

Shelly J Quick, (**Municipality of Leamington CSR**)

-and-

Marlene Woodrow, (**Municipality of Leamington Payroll**)

-and-

Jennifer Martin, (**Municipality of Niagara LTC**)

-and-

Larissa Chnaidrouk, (**Municipality of Niagara Personal Support**)

-and-

John Doe #5, John Doe #6, John Doe #7, James Robert Tallevi, (**Municipality of Niagara Regional Police**)

-and-

Aleni Ali, (**Municipality of York Region Administration**)

-and-

Henry J. Lloyd, Emanuel Faria, (**Municipality of York Region Building Management**)

-and-

Benton Sangster, (**Municipality of York Region Communications**)

-and-

Sabira Mohammed, (**Municipality of York Region Integrated Benefits**)

-and-

Kurt Wintermeyer, (**Municipality of York Region Tech**)

-and-

Ronald Cresswell, Rob Knibbs, (**Municipality of York Region Transit**)

-and-

Tania Di Iorio, Antonio Orofiamma, (**Municipality of York Region Paramedics**)

-and-

Eva Herb, Leason Cooke, (**Municipality of York Region Personal Support**)

-and-

Angelica Le Mesurier, (**Municipality of York Region Prosecution/Legal**)

-and-

Melissa Claus-Lucknow, (**Municipality of York Region Nursing**)

-and-

Jennifer Volpe, (**Municipality of York Region Customer Service**)

-and-

Tyler Meadows, (**Municipality of York Region Wastewater**)

-and-

Christopher Vandebos, Fiona Fernandes, Andriy Nigovan, Serge St-Onge, Kevin Dority, Brian Hayhoe, Llewelyn Court, Gregory Whyte, (**Municipality of York Region Police**)

-and-

Terry Ellwood, Myra Sullivan, (**Oakville Fire Department**)

-and-

Sante Falconi, (**Peel Region Paramedic**)

-and-

Sarah McDonald, (**Peel Region Police**)

-and-

Esther L. E. Klein-Brown, (**Toronto District School Board**)

-and-

Daniel Caird, Jason Hill, Trevor Tomlinson, (**Town of Ajax Fire Department**)

-and-

Ryan Reynolds, (**Town of Whitby Fire Department**)

**PLAINTIFFS**

HIS MAJESTY THE KING, Solicitor General of Ontario, Town of Ajax, Town of Ajax Fire Department (Fire Chief Aaron Burr ridge) City of Cambridge. City of Cambridge Fire Department (Fire Chief Brian Arnold), City of Greater Sudbury, City of Guelph, City of Guelph Fire Department (Fire Chief Dave Elloway), City of Hamilton, City of Hamilton Police, City of Hamilton Police Chief (Frank Bergen), City of Hamilton Fire Department (Fire Chief David Cunliffe), City of Markham, City of Markham Fire Department (Fire Chief Adam J. Grant) City of Mississauga, City of Mississauga Fire Department (Fire Chief Deryn Rizzi), City of Ottawa, City of Ottawa Police, City of Ottawa Police Chief (Eric Stubbs), City of Ottawa Fire Department (Fire Chief Paul Hutt), City of Pickering, City of Pickering Fire Department (Fire Chief Steve Boyd), City of Toronto, City of Toronto Police, City of Toronto Chief of Police (James Ramer), City of Toronto Fire Service (Fire Chief Matthew Pegg), Toronto District School Board, Toronto Transit Commission, Toronto Transit Commission Chair (Jon Burnside), City of Windsor, City of Windsor Fire Department (Fire Chief Stephen Laforet), Town of Orangeville, City of St. Catharines, Regional Municipality of Durham, York Region, York Regional Police, York Regional Police Chief (Jim MacSween), City of Niagara Falls, Niagara Regional Police, Niagara Regional Police Chief (Bryan MacCulloch), Town of Oakville, Town of Oakville Fire Department (Fire Chief Paul Boissonneault), Peel Region, Peel Regional Police, Peel Regional Police Chief (Nishan Duraiappah), Town of Whitby, Town of Whitby Fire Department (Fire Chief Mike Hickey), Municipality of Leamington

**DEFENDANTS**

## **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 statement of claim served with this notice of action.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a lawyer acting for you must prepare a statement of defence in Form 18A and a designation of address for service (Form 16A.1) prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, **WITHIN TWENTY DAYS** after this statement of claim is served on you, if you are served in Prince Edward Island.

If you are served in another province or territory of Canada or in the United States of America, the period of serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.



IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

*(Where the claim made is for money only, include the following:)*

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$\_\_\_\_\_ for costs, within the time for serving and filing your statement of defence, you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$100 for costs and have the costs assessed by the court.

Date:

Issued by:

Address of Local Office: Superior Court of Justice  
330 University Avenue  
Toronto, ON  
M5G 1R7

TO:

**Ministry of the Attorney General**  
McMurtry-Scott Building  
720 Bay Street  
Toronto, Ontario M7A 2S9  
(416) 326-2220

AND TO:

**Town of Ajax**  
65 Harwood Ave. S.  
Ajax, Ontario  
L1S 2H9,

AND TO:

**Town of Ajax Fire Department**  
**Fire Chief Aaron Burridge**  
65 Harwood Ave. S.  
Ajax, Ontario  
L1S 2H9,

AND TO:

**City of Cambridge**  
50 Dickson Street  
PO Box 669  
Cambridge, ON, N1R 5W8

Phone: (519) 623-1340

AND TO:

**City of Cambridge Fire Department**

**Fire Chief Brian Arnold**

Fire Department Headquarters

1625 Bishop Street North

Cambridge, Ontario

N1R 7J4

AND TO:

**City of Greater Sudbury,**

200 Brady St.,

Sudbury, ON

P3A 5P3

AND TO:

**City of Guelph**

Guelph City Hall

1 Carden Street

Guelph, ON

N1H 3A1

519-822-1260

TTY 519-826-9771

[info@guelph.ca](mailto:info@guelph.ca)

AND TO:

**City of Guelph Fire Department**

**Fire Chief Dave Elloy**

Guelph Fire Department Headquarters

50 Wyndham Street South

Guelph, Ontario

N1H 4E1

AND TO:

**City of Hamilton**

Hamilton City Hall

71 Main Street West

Hamilton, Ontario

L8P 4Y5

AND TO:

**City of Hamilton Police**  
**City of Hamilton Police Chief Frank Bergen**  
Central Station  
155 King William Street  
Hamilton, ON  
Canada L8R 1A7

AND TO:

**City of Hamilton Fire Department**  
**Fire Chief David Cunliffe**  
1227 Stone Church Road East  
Hamilton, Ontario, L8W 2C6  
Phone: 905-546-3333

AND TO:

**City of Markham**  
Markham Civic Centre  
101 Town Centre Boulevard  
Markham, Ontario, L3R 9W3

AND TO:

**City of Markham Fire Department**  
**Fire Chief Adam J. Grant**  
8100 Warden Avenue,  
Markham, Ontario, L6G 1B4

AND TO:

**City of Mississauga**  
300 City Centre Drive  
Mississauga, ON L5B 3C1

AND TO:

**City of Mississauga Fire Department**  
**Fire Chief Deryn Rizzi**  
7535 Ninth Line  
Mississauga, ON L5N 7C3

AND TO:

**City of Ottawa**

110 Laurier Avenue West  
Ottawa, ON K1P 1J1

AND TO:

**City of Ottawa Police**  
**City of Ottawa Police Chief Eric Stubbs**

P.O. Box 9634 Station T,  
Ottawa, ON K1G 6H5

AND TO:

**City of Ottawa Fire Department**  
**Fire Chief Paul Hutt**  
1445 Carling Avenue,  
Ottawa, ON, Canada

AND TO:

**City of Pickering**  
905.683.7575  
One The Esplanade  
Pickering, Ontario  
Canada L1V 6K7

AND TO:

**City of Pickering Fire Department**  
**Fire Chief Steve Boyd**  
905.683.7575  
One The Esplanade  
Pickering, Ontario  
Canada L1V 6K7

AND TO:

**City of Toronto**  
City Hall  
100 Queen St. W.  
Toronto, ON  
M5H 2N2

AND TO:

**City of Toronto Police**

**City of Toronto Chief of Police James Ramer**

40 College Street,  
Toronto, Ontario,  
M5G 2J3

AND TO:

**City of Toronto Fire Services**

**Fire Chief Matthew Pegg**

Toronto Fire Services HQ, 4330 Dufferin St  
Toronto, ON  
M3H 5R9

AND TO:

**Toronto District School Board**

5050 Yonge Street  
Toronto, Ontario M2N 5N8

AND TO:

**Toronto Transit Commission**

**Toronto Transit Commission Chair Jon Burnside**

1900 Yonge Street,  
Toronto, Ontario M4S 1Z2

AND TO:

**City of Windsor**

350 City Hall Square West,  
Windsor, Ontario

AND TO:

**City of Windsor Fire Department**

**Fire Chief Stephen Laforet**

815 Goyeau Street  
Windsor, Ontario  
Canada  
N9A 1H7  
Phone: 519-253-6573

AND TO:

**Town of Orangeville**

87 Broadway

Orangeville ON L9W 1K1  
Phone: 519-941-0440

AND TO:

**City of St. Catharines**  
50 Church St., PO Box 3012,  
St. Catharines ON L2R 7C2,

AND TO:

**The Regional Municipality of Durham**  
605 Rossland Road East  
Whitby, Ontario L1N 6A3

AND TO:

**York Region**  
York Region Administrative Centre  
17250 Yonge Street  
Newmarket, ON L3Y 6Z1

AND TO:

**York Regional Police**  
**York Regional Police Chief Jim MacSween**  
47 Don Hillock Dr.  
Aurora, ON L4G 0S7  
TF: 1-866-876-5423

AND TO:

**City of Niagara Falls**  
4310 Queen Street  
Niagara Falls, ON  
Canada L2E 6X5  
[905-356-7521](tel:905-356-7521)

AND TO:

**Niagara Falls Police Department**  
**Niagara Chief of Police Bryan MacCulloch**  
Niagara Regional Police  
5700 Valley Way  
Niagara Falls, ON L2E 1X8  
Tel: 905-688-4111 ext.1025002

AND TO:

**Town of Oakville**  
1225 Trafalgar Road,  
Oakville, Ontario

AND TO:

**Town of Oakville Fire Department**  
**Fire Chief Paul Boissonneault**  
1225 Trafalgar Road  
Oakville, ON L6H 0H3  
905-845-7114

AND TO:

**Peel Region**  
10 Peel Centre Drive,  
Brampton

AND TO:

**Peel Regional Police**  
**Peel Regional Police Chief Nishan Duraiappah**  
7150 Mississauga Rd,  
Mississauga, ON L5N 8M5,  
Canada

AND TO:

**Town of Whitby**  
575 Rossland Road East  
Whitby, ON L1N 2M8

AND TO:

**Town of Whitby Fire Department**  
**Fire Chief Mike Hickey**  
575 Rossland Road East  
Whitby, ON L1N 2M8

AND TO:

**The Municipality of Leamington**  
111 Erie Street North,  
Leamington, Ontario N8H 2Z9

## CLAIM

1. The Plaintiffs claim:

(a) Declarations that the action taken by the Defendants, namely the sending home on unpaid leave, and/or firing of the plaintiffs, for declining Covid-19 vaccines, were and continue to be unconstitutional and of no force and effect because:

(i) any purported mandatory, or coerced *de facto* mandatory vaccine mandates violate ss. 2, 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)*, *Rasouli* (2013), and *Carter* decisions of the Supreme Court of Canada;

(ii) any purported mandatory, or coerced *de facto* mandatory vaccines violate ss.2 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)* and moreover the *Carter* decision, 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 any and all action taken pursuant to any coercive measures and/or mandatory measures against the Plaintiffs, anyone dismissed from their employment for refusing to be “vaccinated” with the COVID-19 inoculations is unconstitutional in that:



- (i) There is no source of jurisdiction under the *Constitution Act, 1867* to decree any medical treatment whatsoever;
  - (ii) It is outside the jurisdiction of the Province, under s.92 of the *Constitution Act, 1967*;
  - (iii) Violates 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*;
  - (iv) violates the rights, under s.2 of the *Charter*, to freedom of conscience, belief, and religion;
  - (v) 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 Declaration that the vaccine mandates and PCR testing, by the Defendants, are:
- (i) not scientifically, or medically, based;
  - (ii) based on a false, and fraudulent, use of the PCR test, using a threshold cycle of 43-45 cycles in that once used above the 35 threshold cycles, of all the positives it registers, 96.5%, are “false positives”, resulting in an accuracy rate, **as a mere screening test**, of 3.5% accuracy;
  - (iii) that all measures of vaccine mandates, masking, social distancing, and “lockdown” (closures) are a sole and direct result of the mounting, or “rising” “cases”, being cases, which are 96.5% false positives;

(iv) that the PCR test, in and by itself, as used, cannot distinguish between dead (non-infectious) vs. live (infectious) virus fragments;

(d) A Declaration that:

(i) s.77.7 of the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7*, and other legislation the purported basis for issuing these measures, is of no force and effect, as violating, ss.2,7, and 15 of the *Charter*, and is not in accordance with tenets of fundamental justice in that it suffers from overbreadth and is void for vagueness;

(ii) A further declaration that s.77.7 of the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7*, and other legislation the purported basis for imposing such measures, is further unconstitutional as it constitutes an abandonment of the duty to govern by the Legislature, and delegates, the entire power of the Legislature and Governor-in-Council, to a single unelected official with over-sweeping power; which power and legislative test of “opinion” that something “may” constitute a “risk”, is incapable of articulable debate.

(iii) A further declaration that s.77.7, the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7*, and other legislation the purported basis for issuing such measures, does not apply in the context of a stated public health emergency;

(e) Declarations that the “Covid-measures” and declaration of the “emergency” invoked by the Defendants:

(i) do not meet the prerequisite criteria of any “emergency” as prescribed by s.7.0.1(3) of the *Emergency Management Civil Protection Act*, and further contravenes s.7.0.2(1) and (3) of that *Act*;

- (ii) that the invocation of the measures, dealing with health and public health, breach the Plaintiffs' rights, and constitutional duties of the Respondents to consult, both in procedure, and substance, both, under administrative law, and, under section 7 of the *Charter*;
- (iii) that, in any event, if the pre-requisites of an "emergency" are met, as declared to be a national and international "emergency", the jurisdiction, and constitutional duty, to deal with this "national emergency", and its measures, is with the Federal Parliament, under the *Federal Emergencies Act* and *Quarantine Act*, pursuant to s. 91 of the *Constitution Act, 1867* under the "Peace, Order, and Good Government ("POGG")" Power, as well as s.91(11) with respect to Quarantine, and not the jurisdiction of the Provincial Legislature;
- (iv) that "lock-downs", and "stay at home orders", and any curfews, in whole or in part, are forms of Martial law outside the Province's jurisdiction under s. 92 of the *Constitution Act, 1867* and, subject to constitutional review and constraints, matters of Federal jurisdiction under the POGG power and s. 91(7) of the *Constitution Act, 1867*;
- (f) 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*.

- (g) a further declaration that the creation and/or requirement of a “vaccine passport” to access services and maintain their chosen vocations, 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);
- (h) 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*;
- (i) If necessary, a further Declaration that s.17 and s.22 of the *Crown Liability and Proceedings Act*, 2019, S.O. 2019 c.17:
- (i) are unconstitutional and of no force and effect as it violates the Supreme Court of Canada's ruling(s) that judicial review is a constitutional right as enunciated Pre-*Charter* in, *inter alia*, *Air Canada v. B.C. (A.G.) [1989] 1 SCR 1161*, and post-*Charter* in, *inter alia*, *Dunsmuir v. New Brunswick [2008] 1 SCR 190*, and as recently held by the Ontario Superior Court in *Poorkid Investments Inc. v. HMTQ, 2022 ONSC 883* thus constituting a "privative clause" against the constitutional right to judicial review, further violates the constitutional right to "no right without remedy" as declared by the Supreme Court of Canada, in *inter alia*, *R v. Mills [1986] SCR 863*, *Nelles v. Ontario [1989] 2 SCR 170*, *Doucet Boudeau v. NS (2003) SCJ 63*, and further constitutes a legislative override of s.24 and s.52 of the *Constitution*

*Act, 1982* which cannot be altered, constricted nor over-ridden except by way of constitutional amendment pursuant to section 38 of Part V of the *Constitution Act, 1982*;

(ii) A Declaration (order), striking, pursuant to s.24 and 52 of The *Constitution Act, 1982*, section 17 and s.24 of *the Crown Liability and proceedings Act* as of no force and effect.

(j) A Declaration that the Defendant Crown in Right of Ontario, insofar as it purports to expressly allow the other co-Defendants to enact their own “vaccine mandate measures”, this results in:

(i) Making the co-Defendants agents of the Crown; and

(ii) In not preventing/baring the importation of unconstitutional measures, the Crown is liable, by way of omission, as ruled by the Supreme Court of Canada in *Vriend*;

Thus making the Crown equally liable in damages to the Plaintiffs.

2. A further Declaration that the Defendants, apart from being liable in the torts set out in the within claim, in conjunction and in concert with the *Charter* violations of the state actor Defendants, that these Defendants further constitute, for the purpose of *Charter* torts, and violations, and *Charter* review, state actors/agents subject to both *Charter* values and *Charter* rights and *Charter* review, pursuant to the principles set out by the Supreme Court of Canada in, *inter alia*, the *Godbout* decision.

3. The Plaintiffs further seek pursuant to section 24(1) of the *Charter* for violations of their *Charter* rights and constitutional and common-law torts inflicted on them:

(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 earnings, sick days and other benefits;

(ii) Re-instatement at the advanced level they would likely have attained by the date of judgment;

All further 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.

4. The Plaintiffs further seek, from the corresponding Defendants, monetary damages, pursuant to section 24(1) of the *Charter* for violations of their *Charter* rights and constitutional and common-law torts inflicted on them, as follows:

(a) For each Plaintiff in general damages as follows:

(i) \$50,000 each against the Defendants under the tort of intimidation;

(ii) \$100,000 each against the Defendants under the tort of conspiracy to deprive them of their constitutional rights;

(iii) \$100,000 each, for the actions of His Majesty the King'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**;
- (iv) \$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 the Legislature.
5. Prejudgment and post-judgment pursuant to s.128 of the *Courts of Justice Act* R.S.O 1990 c. C43; and
6. Costs of the action on substantial indemnity basis and such further or other relief this Court deems just.

## **The Parties**

- **The Plaintiffs**
7. The Plaintiffs are all Municipal (former) Employees at various municipalities and municipal commissions who are mainly "First Responders" and "Essential Workers" in policing, fire-fighting, ambulance, paramedic, transit, sanitation services, and other essential services in Ontario, as set out and categorized as designated per cluster of Plaintiffs, in the style of cause in the within claim.
8. 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 in order to continue working.

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* access any and all services, including exercising their chosen work vocations, which barred to them by virtue of a non-possession of a “vaccine passport”, or declining to take the Covid-19 “vaccines” .

- **The Defendants**

13. The Defendant, Premier Doug Ford is Premier of Ontario who promoted and enforced Covid measures and as such, a holder of a public office.
14. The Defendant, Sylvia Jones is Minister of Health of Ontario who along with her predecessor Christine Elliot, promoted and enforced “Covid measures and as such, a holder of public office.
15. The Defendant, His Majesty the King in Right of Ontario, is statutorily and constitutionally liable for the acts and omissions of her officials and/or agents, particularly with respect to *Charter* damages as set out by the SCC in, *inter alia*, *Ward v. City of Vancouver*, without the necessity of proof of any **mala fides**.
16. The Defendant, Attorney General of Ontario is, constitutionally, the Chief Legal Officer, responsible for and defending the integrity of all legislation, and Provincial 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.



17. All the other Defendants are employers of the Plaintiffs “First Responders” and “Essential Workers” in policing, fire-fighting, ambulance and paramedic, transit, sanitation services and other essential services, as designated in the style of cause per cluster of Plaintiffs, publicly-funded, who conspired with the Crown Defendants to execute absolute, coercive vaccine mandates under threat and execution of illegally “sending home” the Plaintiffs, and firing them, and/or removal for declining the Covid-19 “vaccines” inoculations.
18. The various Defendant municipalities, commissions, and Departments are responsible for implementing “vaccine mandates”, and placing the Plaintiffs on “unpaid leave”, and/or firing them for, declining to receive the Covid-19 “vaccines”.

### **THE FACTS**

19. The facts of this case are as set out below.
20. 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 policies implemented under municipal and/or commission policies purportedly under Municipal By-Laws and/or under general provisions of the Health Protection Act, untied to any specific provision under *s 7.0.1 (1) of the **Emergency Management and Civil Protection Act (EMPCA)*** with respect to the “Covid-19 Pandemic”.
21. All the Plaintiffs possess a conscientious and/or physical /medical reason for refusing to take the COVID-19 “vaccines” (inoculations).

22. 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.
23. All the Plaintiffs are ineligible for Employment Insurance benefits because they were dismissed for refusing the “vaccines” (Inoculations).
24. All of the Plaintiffs wish to exercise their ss. 6 and 7 of the *Charter* rights to access services and maintain their chosen vacations to travel within Canada, as well as abroad, which is barred to them by virtue of a non-possession of a “vaccine passport”.
- **The “Pandemic” and its Measures**
25. 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.
26. The Plaintiffs further state that, since early 2020, to the present, being three (3) flu seasons, the deaths resulting from complications of the COVID-19 have **not** been any marginally higher than the annual deaths from complications of the annual influenza, as set out in, and by *inter alia* statistics Canada.
27. 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.
28. 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.
29. The Defendant government officials scandalously claim that, during COVID-19 pandemic there have been **no** annual flus.

30. In Canada, no person under age 19 has died from COVID-19, as the primary cause of death (without co-morbidities).
31. 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.
32. The Defendant, Crown, and its 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, including Ontario, who have taken severe measures.
33. A comparison of jurisdictions (such as some U.S. states) and 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, including in Ontario.

- **The Case Counts**

34. 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).
35. Case counts are based on "positive" PCR tests. The "PCR" test, which when run **above a "35 thresh-hold cycle"**, has 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".
36. In Canada, PCR testing is conducted at 43 to 47 threshold cycle rates, well above the 35-threshold cycle rate. Ontario has also run its PCR thresholds at between 43 and 47 cycles.

These cycle rates are not cumulative but exponential with each cycle exponentially distorting and magnifying the false positive rate.

37. 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 Covid. This is **not** done in Ontario with respect to the Covid virus.

38. 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)**

39. 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.

40. 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. Medical experimentation is also contrary to the Helsinki Declaration (1960).

41. Statistics, compelled by Court Order, from the Pfizer first phase of clinical trials, 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.

42. The Plaintiffs further state, and fact is, that according to Public Health officials;

- (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 ineffective “vaccines”, must be taken every three (3) months, projected to continue, judging by the number of vaccines Prime Minister 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”.

43. 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”.

44. 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 90 days (3 months).

The plaintiffs therefore state, and the fact is, that the measures taken are irrational, arbitrary, disproportionate, and violate the Plaintiff’s rights to bodily and psychological integrity contrary to s.7 of the *Charter*, as well to equal treatment before the law, as well as violate s.15 of the *Charter*.

45. In fact, on Thursday August 11<sup>th</sup>, 2022 the Centre for Disease Control (CDC) announced that:

- (a) CDC's COVID-19 prevention guidance will no longer differentiate by whether people are up-to-date on their vaccinations.
- (b) Testing to screen for COVID-19 will no longer be recommended in most places for people who do not have COVID symptoms. The CDC says people who have tested positive for COVID-19 can stop wearing masks if their symptoms have improved and they test negative twice in a row — initially on the sixth day after their infection began, and then again on the eighth day.
- (c) And the CDC says that "to limit social and economic impacts, quarantine of exposed persons is no longer recommended, regardless of vaccination status."

46. Furthermore, Canada’s Chief Medical Officer, Dr. Teresa Tam has publicly announced and conceded that each COVID-19 vaccine wanes into ineffectiveness in 90 days, and that the vaccine does **NOT** prevent Transmission either to and from the vaccinated to vaccinated nor the unvaccinated to the unvaccinated.

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

- **Misfeasance of Public Office**

47. The Plaintiffs state, and fact is, that the Crown 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 and have violated the Plaintiffs' ss.2,7,15 *Charter* rights by knowingly:

- (a) Exercising a coercive power to force unwanted "vaccination" knowing that:
  - (i) Such coercive mandates and measures violate ss.2, 7, and 15, of the *Charter*;
  - (ii) Such coercive measures violate the *Genetic Non-Discrimination Act*;
  - (iii) Such coercive measures violate international (treaty) norms and rights, which norms and rights are read into s. 7 of the *Charter*;
  - (iv) Such coercive measures ignore the statutory prohibitions, common law rights and constitutional rights to bodily and psychological autonomy;

48. 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, 7, and 15 of their *Charter* rights.

49. The Plaintiffs further state that, while the Crown Defendants have not made vaccines mandatory, *per se*, they have permitted their government departments, officials and

subordinate municipalities, and commissions, to use extreme coercive measures, such as firing or sending home without pay anyone who refuses to vaccinate. The Plaintiffs state that both in enabling these coercive measures, and in omitting to prevent the (third-party) coercion, the Crown Defendants have violated, “by omission”, as ruled by the Supreme Court of Canada in *Vriend*, the Plaintiffs’ constitutionally protected right to refuse medical treatment under S.7 of the *Charter*, and further violated their S.15 *Charter* rights to equality and equal protection under the law in unequal treatment based on “vaccinated” vs “unvaccinated” based on arbitrary and non-scientific an non-medical basis.

- **Conspiracy**

50. The Plaintiffs further state that the Defendants, through their statements, actions, and co-ordinated 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*;

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

The Defendants do so through the declaration of a statutorily deficient “emergency”, which does not comply with the statutory requirements, and moreover, 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:

- (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, 7, and 15 of their *Charter* rights.

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

- (a) It is not a power of the *Constitution Act, 1867* grants the Provincial nor Federal Government, absent legislation and declaration of the Federal *Emergencies Act*, subject to constitutional constraints, as set out and as pointedly set out in the *Emergencies Act* itself;
- (b) Such coercive mandates and measures violate ss.2, 7, and 15, of the *Charter*;
- (c) Such coercive measures violate the *Genetic Non-Discrimination Act*;
- (d) Such coercive measures violate international (treaty) norms and rights, which norms and rights are read into s. 7 of the *Charter*;
- (e) That such coercive measures were planned, executed, and implemented knowingly and perpetual statements and threats by the Defendants that, “not vaccinating will carry consequences”.

- **Intimidation (through Third Parties)**

52. The Plaintiffs state, and fact is, that the Defendants, Doug Ford, Sylvia Jones, and her predecessor Christine Elliot, 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) In then drafting third parties such as government agencies, Crown corporations, and provincially regulated sectors, into implementing those coercive measures;

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:

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

53. The Plaintiffs state that, in exercising their constitutional right(s) to choose not to take the Covid-19 “vaccines” they have forfeited those ss. 2, 7, and 15 **Charter** rights and forced to

forfeit their livelihood, chosen vocations, as well as hospital privileges, in their provincial or provincially 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**

54. The Plaintiffs state, and the fact is, that the Defendants, through their illegal and unconstitutional “vaccine” 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.
55. 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, as set out by the Supreme Court of Canada in, *inter alia*, in the *Morgentaler* case;
  - (c) Exercising a coercive power to force unwanted vaccination knowing that:
    - (i) It is not a power of the *Constitution Act, 1867* grants the Provincial nor Federal Government, absent legislation and declaration of the Federal *Emergencies Act*, subject to constitutional constraints, as set out and as redundantly noted in the *Emergencies Act* itself;
    - (ii) It is an issue already judicially determined to violate s. 7 of **Charter** and not saved by s. 1, in, *inter alia*, the Ontario Court of Appeal decisions of *Fleming v. Reid* (1991) 4

O.R. (3d) 74 and in the Supreme Court of Canada in *Carter v. Canada (Attorney General)*, 2015 SCC 5, [2015] 1 S.C.R. 331 (at paragraph 64).

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

56. 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*, and matters over which the province has **no** jurisdiction under s.92 of the *Constitution Act, 1867*.

57. The Plaintiffs further state, that these rights are mirrored in s. 2 of the *Charter*;

58. 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*.

59. 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, 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*)**

60. 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 and 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 SCC in, *inter alia*, the *Morgentaler*, *O’Connor* and *Carter* cases.

61. 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, 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**

62. The Plaintiffs further state that “vaccine passports” further violate their explicit right(s) under s.6 and 7 of the *Charter* granting them access to services, and to practice their chosen vocations, which violations are arbitrary (contrary to s.7), irrational, and disproportionate, as well as discriminate contrary to s.15 based on their medical status, 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 bars are simply irrational, arbitrary, over-reaching **punitive** dispensation of *Charter* violations and part of the malicious “consequences” of simply NOT “vaccinating”.

63. 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 “vaccinate 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.

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

(a) Restrictions to obtaining domestic medical treatment in hospital for lack of a “vaccine passport”;

(b) 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*.

65. 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, 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**

66. 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**

67. 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 by the Supreme Court of Canada in *Schmidt (1987)*.

68. 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.

69. 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*

70. What is being relied upon here are the specific **rights recognized** through the pre-amble of the *Constitutional Act, 1867*, and not the general underlying structural imperatives of the unwritten constitutional **principles**.



71. 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 Emmerated and Analogous Grounds**

72. 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.

73. 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, 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.

74. The Plaintiffs further state, and the fact is, that the rights under the *Charter* do not sit in silos, in 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***

75. 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) “vaccine mandates and passports” are not part of a valid public health objective, 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) In any event, 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*

76. 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**

77. The Plaintiffs therefore seek:

- (a) The relief and damages sought in paragraph 1 through 8 of the within statement of claim;
- (b) Costs of this action on a full indemnity 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 16<sup>th</sup> day of February, 2023.



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Lawyer for the Plaintiffs

Court File No.:

**Brad Katanik et al.**

**HIS MAJESTY THE KING et al.**

Plaintiffs

-and-

Defendants

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**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**Proceeding Commended at Toronto**

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STATEMENT OF CLAIM

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