



Court File No.:

ONTARIO

SUPERIOR COURT OF JUSTICE

Electronically issued

Délivré par voie électronique : 11-Jan-2021

BETWEEN:

Ottawa

STACY AMIKWABI, SHAWN BRENNAN,
GEORGE FAYAD,
JOSHUA ALAS-WILSON, ALISA TOJCIC, JANE
DOE, JOHN DOE

Plaintiffs

-and

POPE FRANCIS, THE HOLY SEE, THE STATE
OF THE VATICAN, THE SOCIETY OF JESUS,
HM QUEEN ELIZABETH II, THE ORDER OF
THE GARTER, THE HOUSE OF WINDSOR
(FORMERLY SAXE COBOURG GOTHA),
GLOBAL VACCINE ALLIANCE
(GAVI), the UN's WORLD HEALTH
ORGANIZATION/PUBLIC HEALTH
ORGANIZATION OF CANADA, BILL AND
MELINDA GATES FOUNDATION, PRIME
MINISTER JUSTIN TRUDEAU, DR. THERESA
TAM, PREMIER DOUG FORD, CHRISTINE
ELLIOTT, MAYOR JIM WATSON, ATTORNEY
GENERAL OF CANADA, THE ATTORNEY
GENERAL FOR ONTARIO

Defendants

Proceeding under the *Class Proceedings Act, 1992*

STATEMENT OF CLAIM

TO THE DEFENDANTS:

A LEGAL PROCEEDING HAS BEEN

COMMENCED AGAINST YOU by the Plaintiffs.

The claim made against you is set out in the
following pages.

IF YOU WISH TO DEFEND THIS

PROCEEDING, you or an Ontario lawyer acting

for you must prepare a statement of defence in Form

18A 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

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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 Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for 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. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date Issued by

Local registrar

Address of
Court office.....

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TO POPE FRANCIS on behalf of The Holy See and The State of the Vatican

Apostolic Nunciature
724 Manor Ave.,
Ottawa, Ontario K1M 0E3
Tel: (613) 746-4914
Fx: (613) 746-4786

AND TO THE SOCIETY OF JESUS,

Sacred Heart House
43 Queen's Park Cres E
Toronto, Ontario M5S 2C3
Tel: (416) 962-4500
Fx: (416) 962-4501

AND TO HM QUEEN ELIZABETH II, on behalf of THE ORDER OF THE GARTER, THE
HOUSE OF WINDSOR (FORMERLY SAXE COBOURG GOTHA), care of the
USHER OF THE BLACK ROD

J. Greg Peters
Usher of the Black Rod
Parliament Hill Centre Block, Room 168-N
Ottawa, Ontario K1A 0A4
Tel: (613) 992-8483

AND TO GLOBAL VACCINE ALLIANCE (GAVI),

2099 Pennsylvania Ave, NW
Suite 200
Washington DC 20006
Tel: (202) 478-1050
Fx: (202) 478-1060

AND TO the UN's WORLD HEALTH ORGANIZATION

Pan American Health Organization
Department on Emergency Preparedness and Disaster Relief
525 Twenty-third Street, N.W.

Washington, D.C. 20037, U.S.A.
Tel: (202) 974-3399
Fax: (202) 775-4578

AND TO PUBLIC HEALTH ORGANIZATION OF CANADA
130 Colonnade Road
A.L. 6501H
Ottawa, Ontario K1A 0K9

AND TO BILL AND MELINDA GATES FOUNDATION,
440 5th Ave N.
Seattle, WA 98109

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AND TO PRIME MINISTER JUSTIN TRUDEAU
Office of the Prime Minister
80 Wellington Street
Ottawa, Ontario K1A 0A2
Fx: (613) 941-6900

AND TO DR. THERESA TAM, care of the PUBLIC HEALTH AGENCY OF CANADA
Chief Public Health Officer
Tel: (613)954-8524
Email: phac.cpho-acsp.aspc@canada.ca

AND TO PREMIER DOUG FORD,
Office of the Premier
Legislative Building
Queen's Park
Toronto, Ontario M7A 1A1

AND TO CHRISTINE ELLIOTT,
Ministry of Health
5th Floor
777 Bay St.
Toronto, Ontario M7A 2J3
Tel: (416) 327-4300
Fx: (416) 326-1571

AND TO MAYOR JIM WATSON,
110 Laurier Avenue West
Ottawa, Ontario K1P 1J1
Tel: (613) 580-2496
Fx: (613) 580-2509

AND TO ATTORNEY GENERAL OF CANADA
Department of Justice Canada
Constitutional, Administrative and International Law Section
Ontario Regional Office
120 Adelaide Street West, Suite #400
Toronto, Ontario M5H 1T1
Fx: (416) 954-8982
Tel: (416) 973-0942

AND TO THE ATTORNEY GENERAL FOR ONTARIO
Crown Law office, Constitutional Law Branch
720 Bay St.
Toronto, Ontario M7A 2S9
Tel: (416) 326-4460
Fx: (416) 326-4401

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CLAIM

1. The Plaintiffs and Class Members, claim on behalf of themselves and others similarly situated in Canada;
 - a) An interim declaration on the lawfulness of the Federal, Provincial and Municipal Governments, or member(s) therein, to unilaterally adopt international recommendations, guidelines and standards advanced, orchestrated and endorsed by the World Health Organization and its affiliates, concerning the Covid-19 global pandemic;
 - b) An interim declaration determining under which division of power, either s. 91 or s. 92 of the *Constitution Act, 1867*, the emergency health and welfare of the Canadian public is found. Confusion over the constitutional authority to suspend and infringe fundamental rights and freedoms based on an assumed global pandemic, requires a declaration on where the constitutional authority derives;
 - c) A declaration pursuant to s. 24(1) of the Canadian *Charter of Rights and Freedoms*

that damages have occurred to the Plaintiffs and Class Members as a result of the suspension and infringement of fundamental rights and freedoms found within the actions of the Federal, Provincial and Municipal Governments, or member(s) therein;

d) A declaration that the Covid-19 protocols require immediate independent and transparent judicial oversight in order to gather, review and consider unbiased risk analysis to better understand the attendant risks in the epidemiology of the Covid 19 virus;

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e) A declaration pursuant to s. 52(1) of the *Constitution Act, 1982*, that any legislation or regulations invoked by the Federal, Provincial or Municipal Governments, or member(s) therein, that are found to be inconsistent with the *Constitution Act*, to the extent of the inconsistency, be found to be of no force or effect;

f) An order certifying this proceeding as a class proceeding under the *Class Proceedings Act, 1992* and appointing the named Plaintiffs as representative Plaintiffs for the proposed classes;

g) Due to the urgency of the issues, the Plaintiffs and Class Members serve Notice pursuant to s. 15(1) of the *Crown Liability and proceedings Act* as against the Province at the issuance of the claim. Any damages sought will be suspended until the 60-day Notice provision set out in s. 18(1) has been satisfied.

h) Pecuniary and special damages in the amount of \$1,000,000 for each Class Member following a trial on the common issues;

- i) Non-pecuniary damages in the amount to be assessed for every class member following a trial on the common issues;
- j) Punitive, aggravated and exemplary damages in the amount of \$35 Billion;
- k) Costs of distributing all moneys received to Class Members;
- l) Prejudgement interest in the amount of 10% compounded annually or as otherwise awarded by this Honourable Court;
- m) Costs on a substantial indemnity basis, plus applicable taxes; and
- n) Such further and other relief as this Honourable Court may deem just.

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2. In bringing this action on behalf of all persons resident in Canada whose fundamental rights and freedoms have been suspended and/or infringed by the questionable and high-risk actions of the Federal, Provincial and Municipal Governments under the rubric of emergency Covid-19 response to a global pandemic declared by the World Health Organization, the Plaintiffs and Class Members plead and rely upon the provisions of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6, *Crown Liability and Proceedings Act*, R.S.C., 1985, c. C-50, and the Ontario *Crown Liability and Proceedings Act*, 2019, S.O. 2019 c. 7.

NATURE OF THE ACTION

3. This is a proposed class proceeding for damages and declaratory relief arising from the Defendant Federal, Provincial and Municipal Governments vicarious liability in unequivocally adopting international guidelines and recommendations put forward by the World Health Organization through Orders-In-Council without lawful authority and due

process on behalf of the mind, body and health of the Canadian public.

4. By implementing international guidelines and recommendations through legislation, the Defendant Federal, Provincial and Municipal Governments, or member(s) therein, suspended and infringed the Plaintiffs and Class Members fundamental rights and freedoms as set out in the Canadian *Charter of Rights and Freedoms*, without justification, resulting in harms and damages available pursuant to s. 24(1).
5. The Defendants are vicariously liable for knowingly and willfully advancing, promoting, adopting and manufacturing Covid-19 protocols, task force response and medical protocols which violate terms and provisions of the *Crimes Against Humanity and War Crimes Act*,

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(S.C. 2000, c. 24) under the rubric of a state of emergency that is both unconstitutional and unlawful.

PARTIES

PLAINTIFFS – PROPOSED REPRESENTATIVE PLAINTIFFS AND CLASS MEMBERS

Stacy Amikwabi

6. The Plaintiff, Stacy Amikwabi is a Sovereign Anishinabe Amikwa Algonquin person who resides on a reserve known as Henvey Inlet First Nation (1854), but which is actually French River Indian Reserve No. 13 (Rowan Proclamation 1852). Stacy Amikwabi and his wife make a living operating a small convenience store on the reserve which has been economically devastated by lockdown and other protocols introduced on the reserve by

the federal government through its chief and band council. Stacy Amikwabi and his family will be faced with mandatory vaccines, they have all been advised that restrictions will be imposed for those who do not take the vaccine. Absent clinical education, diagnosis and medical opinion. Stacey Amikwabi and his family cannot provide informed consent to an “experimental gene therapy”, namely the mRNA inoculation, which was supposedly developed and administered in response to COVID-19 cases elsewhere. Absent proper medical and scientific information, Stacy Amikwabi and his family do not know if reported COVID-19 cases meet the criteria for the declaration of a pandemic. Due to obvious censorship and suppression of the opinion, which does not accept the world-wide propaganda of a pandemic, Stacy Amikwabi cannot provide an informed consent for an “experimental gene therapy”. Stacy Amikwabi stands as representative of all the Indigenous peoples harmed by the imposition of protocols and measures that are an over

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reaction to sets of data produced, manipulated and distributed in an effort to argue the existence of a pandemic.

Shawn Brennan

7. The Plaintiff, Shawn Brennan, is an entrepreneur living in Peterborough, Ontario. Shawn Brennan & business have been nearly devastated by the impact of protocols and regulations that are unsupported by proper scientific and medical research. Shawn Brennan’s family unit has been put under incredible stress due to the fear that is engendered by the inflation and manipulation of death statistics, in this country and

throughout the world. Shawn Brennan stands as a representative for small business owners with families who have been harmed by these protocols and regulations.

George Fayad

8. The Plaintiff, George Fayad, is a small garage owner who resides in Ottawa, Ontario. George Fayad's business has been adversely affected by the lockdowns, protocols and regulations. George Fayad stands as representative of all business owners who have been harmed by the protocols and regulations.

Joshua Alas-Wilson

9. The Plaintiff, Joshua Alas-Wilson, is a young adult living in Balderson, Ontario. Joshua Alas-Wilson, has Williams Syndrome, a genetic disorder characterized by cognitive delay, developmental delay, anxiety, and intermittent depression. As a person who has difficulty forming lasting bonds with peers due to the characteristics of his syndrome, he manages by attending weekly social gatherings, community socialization, and volunteering at a nursing home. Due to the restrictions put in place because of covid-19, he can no longer

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attend his weekly gatherings, walk freely in the community socializing, and volunteer at the nursing home. This has created extreme feelings of isolation manifesting as extreme anxiety causing periodic heart palpitations and depression. Joshua Alas-Wilson has been yelled at, made to feel uncomfortable, and questioned due to his inability to wear a mask. His doctor-supported inability to wear a mask has severely limited all social contact, which then pushed him to seek social interactions via the internet where he then experienced bullying, harassment, and hurt. Joshua Alas-Wilson stands as representative

for all persons with “special needs” who have been harmed by the covid-19 protocols and regulations.

Alisa Tojcic

10. The Plaintiff, Alisa Tojcic, is a single mom of three young children living downtown Toronto on social assistance. Ms. Tojcic and her children were in their home for 57 days during the first lockdown. They live in an apartment with no balcony and all building patios and playground were closed around them. Her former spouse delivered groceries to keep the kids safe. The children were terrified and Ms. Tojcic was having panic attacks because as a family they struggle with health issues and she was scared they wouldn't be provided with care if needed. The Plaintiff also had dislocated ribs and couldn't see her chiropractor or pick up her youngest child who was still nursing. Her oldest got a concussion on March 1, 2020 and was confined to her room as the family couldn't go anywhere to find out if she was stable. Furthermore, the family relies on public transit and was completely stranded during the first lockdown. In August and September the Plaintiff and her middle child had health complications and the stress from the "pandemic" only exacerbated them. Ms. Tojcic saved all her money and bought a van so that she and her children are not trapped in the

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downtown core for the next lockdown. Alisa Tojcic stands as representative for all single parents and children who have been harmed by the covid-19 protocols and regulations.

Jane Doe

11. The Plaintiff, Jane Doe, is a mother who gave birth since the implementation of the Covid 19

protocols and regulations. Her experience has her alone in the delivery room and without her child after the birth. She is forced into complete separation from the experience of birth without informed consent due to the imposition of Covid-19 protocols and regulations. Jane Doe stands as representative for all new mothers since March 12, 2020, and their children, who have been harmed by the Covid-19 protocols and regulations.

John Doe

12. The Plaintiff, John Doe, is a construction worker in the Ottawa area. The Ministry of Labour is starting to issue fines for violating Covid-19 safety protocols for not observing physical distancing or wearing of face coverings. A redacted \$880.00 ticket was circulated in the industry in order to emphasize the threat. Employees are faced with the fear of receiving a substantial ticket over the need for workplace safety. In some cases, the income received for the day is less or equal to the amount of the ticket leaving some feeling as though they have no choice. Just as the warning states, “becoming complacent can be costly.” John Doe stands as representative for all persons who have been harmed by the Covid-19 protocols and regulations and the enforcement thereof by the issuing of tickets and fines.

DEFENDANTS

The Pope of Rome

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13. The Defendant, Pope Francis, is the Roman Pontiff, chief pastor of the worldwide Catholic Church and Head of the Holy See. Pope Francis resides in and governs affairs from the Vatican City State. Pope Francis, born Jorge Mario Bergoglio was elected the 266th Pope

in March 2013. He is Jesuit, a member of the Society of Jesus. On October 3, 2020, the Pope issued the Encyclical letter “*Fratelli Tutti*” (Brothers ALL) wherein he recommended all the nations give up their sovereignty to one world government and a New World Order.¹

The Pope avails himself of the *Concession of King John of 1213* and is knowledgeable regarding the manipulations of the Society of Jesus throughout history since its inception in 1534 and in particular during the First World War, the Spanish Flu and the Second World War.

The Holy See

14. The Holy See maintains diplomatic relations with other sovereign states and those foreign embassies accredited to the Holy See, to enable the Pope to exercise universal authority worldwide. The Holy See establishes inter-civilian diplomacy by signing treaties and concordat which govern relations between the Papacy and other entities. These set of inter civilization documents are being signed by the pontiff. The diplomatic representatives of the Holy See, including in Canada, are the Pope’s ambassadors called “nuncio.”²

The State of the Vatican

¹ Vatican City, The Holy Father Francis. Encyclical Letter *FRATELLI TUTTI* ON FRATERNITY AND SOCIAL FRIENDSHIP. THE HOLY FATHER FRANCIS. ENCYCLICAL LETTER, 3 October 2020, from: http://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20201003_enciclica-fratelli-tutti.html.

² Boris Vukićević, “Diplomacy of the Holy See in the Transformative Era of Pope Francis”, in: *Revista Brasileira de Política Internacional*, vol.58 no.2, Brasília Jan. 2016; Vatican City, Holy See Press Office, “Vatican Diplomacy” in: *Vatican Information Service*, 11 April 1997, retrieved from: <http://www.catholic-pages.com/vatican/diplomacy.asp>.

15. The Defendant, the State of the Vatican, came into existence on February 11th, 1929 by the *Lateran Treaty* between the Holy See and Italy.³ The seat of the Holy See (Sancta Sedes) is the Vatican City State. It is a state that belongs to the Holy See, and is the seat of the episcopal jurisdiction and of the central government of the Catholic Church.⁴ Vatican City is worth untold billions and houses many documents which should be shared with humanity. This state is knowledgeable about the misdeeds and manipulation of the Society of Jesus since its inception in 1534 until the present.

The Society of Jesus

16. The Society of Jesus was constituted on Ascension of Mary day (15 August) in 1534, in the chapel of Notre-Dame de Montmartre. The terms chosen by Pope Paul III to describe this new order in his Bull of Authorization, which were: “*Regimen Ecclesiac Militants*” (The Regime of the Ecclesiac Military).⁵ From the Secret History of the Jesuits, Edmond Paris observed:⁶

[...]in Europe , wherever Rome’s interest required the people to rise against their king, or if these temporal princes had taken decisions embarrassing for the church”, the Curia knew she would not find more able, cunning or daring agents outside the Society of Jesus when it came to intrigue, propaganda or even open rebellion.

And further in the same book:

It is the same way as today, the 33,000 official members of the Society operate all over the world in the capacity of [...] personnel, officers of a truly secret army containing in its ranks heads of political parties, high ranking officials, generals, magistrate, physician, faculty professor etc [...] all of them are still striving to bring

³ The Vatican Official Website: <https://vatican.com/The-Lateran-Treaty/>

⁴ Holy See Press Office, “Vatican Diplomacy” in: *Vatican Information Service*, 11 April 1997, retrieved from: <http://www.catholic-pages.com/vatican/diplomacy.asp>; Vatican City, “The Lateran Treaty”, published by *Vatican.com* 5/17/2018

⁵ The Jesuits in Canada Official Website: <https://jesuits.ca/about-us/who-are-the-jesuits/>

⁶ Edmond Paris, *The Secret History of the Jesuits*, 1983.

about, in their own space, “Opus Dei, God’s work”, in reality the plans of the Director General and the papacy.

Queen Elizabeth II

17. Pursuant to Section 9 of the *British North America Act*, 1867, “the Executive Government and authority of and over Canada is hereby declared to continue and be vested in the Queen.”⁷ This premise is encapsulated in the requirement that the Queen give Royal Assent to our legislative documents passed before a properly constituted Parliamentary Assembly. In this regard, the Dominion of Canada has not abrogated from the BNA, 1867 nor has Her Majesty Queen Elizabeth II renounced to be the royal sovereign of Canada. Furthermore, by virtue of Section 15 of the *British North America Act*, 1867, Her Majesty Queen Elizabeth II is also the head of the Federal task force on Covid-19 after an active military officer was appointed by the Federal Government, or member(s) therein.
18. Her Majesty Queen Elizabeth II is of the House of Windsor, formally Saxe-Coburg-Gotha. Her Majesty is the head of the Royal Order of the Garter and her Secretary in Canada is the Usher of the Black Rod.

Order of the Garter

19. The Order of the Garter was founded by Edward II, King of England in 1348 to protect himself with an elite group of landowners against the common people.⁸ The symbol of the Order includes the motto “*Honi soit qui mal y pense*” – “shame on him who thinks evil of it.” The same symbol and motto can be found throughout Canada on government buildings

⁷ W. H. Connell, BNA Sec. 9, in: *Commentary on The British North America Act*, in: Macmillan Canada. Toronto, 1977.

⁸ College of St. George, The Order of the Garter: <https://www.stgeorges-windsor.org/about-st-georges/history/the-order-of-the-garter/>

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and courthouses. The Plaintiffs' submit that the Order of the Garter shares responsibility for influencing the global elitist agenda which continues to unravel in these unprecedented times.⁹ As a member of the Commonwealth Nations of the British Empire, Canada is implicated in the decisions and relationships that are supported and advanced by the Order of the Garter as the global agenda unfolds.

The House of Windsor

20. The House of Windsor came into being in 1917, when the name was adopted as the British Royal Family Official name by a proclamation of King George V replacing the historic name of Saxe-Cobourg-Gotha which denotes the family's German ancestor.¹⁰ Through the House of Windsor the royal family has familial ties with most of the Monarchs of Europe.

Global Alliance for Vaccines and Immunizations (GAVI)

21. In 2000 Bill Gates stepped down as Microsoft CEO and created the "Gates Foundation"¹¹ and (along with other parties) launched the "Global Alliance for Vaccines and Immunization" [herein after 'GAVI'].¹² As of July 29, 2020, the Bill and Melinda Gates Foundation has committed over US\$4.1 Billion to GAVI.¹³ Canada is a long-term member of GAVI and has been a member of its board since inception. GAVI alliance parties are: UNICEF, World Health Organization, World Bank, and The Bill and Melinda Gates Foundation. GAVI was essential in developing the

⁹ College of St. George, St. George’s House, Annual Lectures: <https://www.stgeorghouse.org/lectures/annual-lecture/previous-annual-lectures/>

¹⁰ <https://www.royal.uk/house-windsor>.

¹¹ <https://www.gatesfoundation.org/Who-We-Are/General-Information/History>.

¹² <https://www.gavi.org/history-gavi>.

¹³ <https://www.gavi.org/operating-model/gavis-partnership-model/bill-melinda-gates-foundation>.

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that were created by the WHO’s decision to declare a global pandemic. GAVI Covax AMC sponsors manufacturers who wish “*to invest in vaccine candidates in advance of their licensure.*”¹⁴ To date, Canada has provided \$1 Billion in funding directly to GAVI.¹⁵

22. On December 14, 2020, Karina Gould (Canada’s Minister of International Development) announced that Canada will contribute a further C\$255 million (US\$200 million) to the Coalition for Epidemic Preparedness Innovations [hereafter ‘CEPI’]. This coalition is a global partnership that was formed between public, private, philanthropic, and civil society organisations that have met and organized through GAVI to cement the grip of the global elites and multinational corporations on the public health by targeting unsuspecting citizens in Canada and the worldwide.¹⁶

23. Operating as a public–private global health partnership, the ultimate goals of these networking partnerships is to further the corporate global agenda of the participating corporations, by lobbying governments and international organizations to implement policies in their favour. This happens at the expense of the citizens in participating countries, and thus, also of Canadians.

24. In this scheme, funds are diverted from national budgets to finance projects of pharmaceutical corporations under the umbrella of GAVI *et al.*, but solely for the profit of those corporations. These GAVI projects are then propagated worldwide through a special partnership with the World Health Organization to expand influence and sources of profit.

World Health Organization (WHO) and the Public Health Agency of Canada

¹⁴ GAVI-The Vaccine Alliance. *The GAVI COVAX AMC-An Investment Opportunity*. Prospect for potential investors from: www.gavi.org.

¹⁵ Official Website: <https://www.gavi.org/investing-gavi/funding/donor-profiles/canada>.

¹⁶ CEPI News. Canada boosts funding for CEPI's COVID-19 vaccine research. December 14, 2020. https://cepi.net/news_cepi/canada-boosts-funding-for-cepis-covid-19-vaccine-research/.

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25. The Constitution of the World Health Organization [hereinafter 'WHO'] came into force on April 7, 1948 and its primary role was to direct and coordinate international health within the United Nations System.¹⁷ In January 2010, Bill Gates pledged \$10 Billion in funding for the World Health Organization and announced, "The Decade of Vaccines". Gates and GAVI are the second and third largest funder of the WHO after the US. Government, which recently pulled its funding through President Trump. Pursuant to the International Health Regulations (IHR 2005) each World Health Organization member state must designate a National Focal Point (NFP). The NFP is accessible at all times for communications with the WHO concerning global public health risks. The International Health Regulation NFP for Canada is located at the Public Health Agency of Canada (PHAC). On that basis, this agency follows the directions of the World Health Organization, not the Government of Canada.

Bill and Melinda Gates Foundation

26. American legal restrictions prohibit the Bill and Melinda Gates Foundation (“Foundation”) from explicitly engaging in normative lobbying. Therefore, the Foundation is serving its intended beneficiaries in the capacity of advocacy; first as a catalyst for resource mobilization, and second as an illuminator of scientific innovation.¹⁸ This idea of resource mobilization and scientific innovation involve the promotion of not yet fully developed vaccines and the testing of new vaccines on populations, especially children and young adults in Africa, delivered under the mandates of the United Nations or its organizations like the WHO or UNICEF. The Foundation “was only the second-largest funder of WHO

¹⁷ <https://www.who.int/about/who-we-are/history>.

¹⁸ Michael Stevenson. *Agency Through Adaptation* (2014), pp. 236-237.

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at US\$531 million. This was more than the U.K. contribution of \$392 million, and second only to the United States at \$873 million”.¹⁹

27. In an article in the Pastors Chronicles, the following headline appears: “UN vaccines sterilize 500,000 women in Kenya”. The article went on to say, as follows:²⁰

Billionaire Bill Gates really like helping people from poor countries get vaccinated. But many are saying his motives may not be all that pure. In fact many believe that this globalist, along with the United Nations, is conducting a massive depopulation effort

As the Agence de Presse Africaine reported from Kenya:²¹

Odinga said girls and women aged between 14 and 49 from the fastest growing populations in the country will not have children, because of a state-sponsored sterilization exercise that was sold to the country as a tetanus vaccination.

And in the first article above:

At the time, the catholic church in Kenya claimed that the tetanus vaccine used by

the government of Kenya and UN agencies was contaminated with a hormone (HCG) that can cause miscarriages and render some women sterile.

Bill and Melinda Gates Foundation is actively supporting an agenda of genocide and crimes against humanity through their inoculation programs, in Canada and abroad, that turn a blind-eye to reasoned risk-analysis resulting in the subjection of innocent civilians to experimental drug programs without proper authority and due process.

Prime Minister Justin Trudeau

28. The Defendant, Justin Trudeau is the current Prime Minister of Canada. At his last appearance at the United Nations he spoke of the “Great Reset” agenda being pushed on

¹⁹ “Trump And WHO: How Much Does The U.S. Give? What’s The Impact Of A Halt In Funding?,” NPR.org, April 15, 2020; Lee Harding, “Gates, WHO, and Abortion Vaccines”, in *Frontiers Centre for Public Policy*, July 19, 2020. ²⁰ “UN Vaccines Sterilize 500,000 Women in Kenya” in: *The Pastors Chronicles*, December 8, 2018.

²¹ Raila Odinga “Tetanus vaccination is a mass sterilization on women”, September 12th 2017, <https://www.standardmedia.co.ke/kenya/article/2001254261/raila-tetanus-vaccination-is-a-mass-sterilization-on-women>.

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humanity by elite oligarch, drug companies, big tech and the World Economic Forum.²²

The Prime Minister of Canada is not acting within his lawful authority on behalf of the Federal Government by adopting and advancing through Orders-In-Council, recommendations of an international organization without due process. The Prime Minister of Canada is relying blindly on the advice and guidance of international organizations to suspend fundamental rights and freedoms. This is based on biased and unsound medical and scientific data. The Prime Minister is acting outside of his Constitutional authority and outside of his office as Prime Minister of Canada.

29. The Prime Minister and his cabinet have invited into Canada the World Health Organization

and large pharmaceutical companies whose ethics are being brought into direct question based on a history of genocide and eugenics. Pfizer paid 2.3 Billion dollars on September 2, 2009 to the U.S. Justice Department, for the largest health care fraud settlement in the history of the Department of Justice.²³

Dr. Theresa Tam, Canada Chief Public Health Officer

30. The Defendant, Dr. Theresa Tam, is Canada's Chief Public Health Officer and as such, is a holder of public office. Dr. Tam is also one of seven members of the Independent Oversight and Advisory Committee for the World Health Organization's Health Emergencies Program.²⁴ The Defendant's relationship to the Federal Government, or

²² Sustainable Development Official Website: <https://sustainabledevelopment.un.org/memberstates/canada> ²³ U.S. Department of Justice. Office of Public Affairs. "Justice Department Announces Largest Health Care Fraud Settlement in Its History: Pfizer to Pay \$2.3 Billion for Fraudulent Marketing". September 2, 2009.

²⁴ World Health Organization Official Website: https://www.who.int/about/who_reform/emergency-capacities/oversight-committee/theresa-tam/en/

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member(s) therein, and the World Health Organization suggests a conflict of interest that requires transparency and oversight in light of the issues before the Court.

Premier of Ontario Doug Ford

31. The Defendant Doug Ford, is the current Premier of Ontario, and as such is a holder of public office. The Premier of Ontario adopted the recommendations of the World Health Organization and declared a state of emergency. Subsequently, the Premier has advanced the implementation of actions, laws, and regulations, which have resulted in harms to the

general public on the basis of unquestioned scientific and medical opinions put forward by the World Health Organization and its affiliates. The Premier is responsible for adopting principles based on international organizations that suspend and infringe the fundamental rights and freedoms of the Canadian public. Isolation is defined as torture and qualifies as a crime against humanity.

Christine Elliott –Minister of Health and Long Term Care

32. The Defendant Christine Elliott, is the current Minister of Health and Long Term Care.

During a conversation caught on camera between Dr. Barbara Yaffe, Associate Chief Medical Officer of Health and Dr. David Williams, Ontario's Chief Medical Officer of Health, recorded in the Parliament of Ontario Press Room, the following exchange occurred, wherein Barbara Yaffe exclaimed:²⁵

I don't know why I bring all those papers. I never look at them," I just say whatever they write down for me.

²⁵ Dr. David Williams, Ontario's chief medical officer of health, and Dr. Barbara Yaffe, associate chief medical officer of health, provides COVID-19 update, on: Ontario Parliament WATCH LIVE.

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33. The Plaintiffs' submit that as Minister of Health and Long Term Care, the Defendant holds a duty to the Plaintiffs' and the Canadian Public in general, that requires due diligence in her public office and responsibilities.

City of Ottawa – Mayor Jim Watson

34. The Mayor of the City of Ottawa, Jim Watson, oversees the Municipal Regulations on the

COVID-19 measures and is liable for harms directly associated with the implementation and enforcement of the Covid-19 protocols and measures undertaken.

Attorney General of Canada

35. The Defendant, Attorney General of Canada, is constitutionally the Chief Legal Officer for Canada. The Attorney General of Canada is a public office holder and is required to be named as a Defendant in any action for declaratory relief. The Attorney General of Canada statutorily and constitutionally liable for the acts and omissions of officials.

The Attorney General for Ontario

36. The Defendant, Attorney General for Ontario, is the Chief Legal Officer of the Province of Ontario. The Attorney General for Ontario is a public office holder and is required to be named as a Defendant in any action for declaratory relief. The Attorney General for Ontario statutorily and constitutionally liable for the acts and omissions of officials.

INJUNCTIVE DECLARATORY RELIEF

37. The Plaintiffs and Class Members submit that Canada is in a state of constitutional crisis. Fundamental rights and freedoms are being usurped by the Federal, Provincial and Municipal Governments, or member(s) therein, without constitutional authority or due

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process. Questionable and high-risk actions concerning the mind, body and health of the Canadian public are being supported and advanced by all levels of Government, or member(s) therein, under the rubric of emergency response to a global pandemic declared by the World Health Organization.²⁶

38. The implications of these actions have yet to be considered on a constitutional basis. In this regard, the Plaintiffs and Class Members are submitting that fundamental rights and freedoms protected by the Canadian *Charter of Rights and Freedoms*²⁷ are implicated in this case. Also, and more importantly, the constitutional authority of the Federal Government, or member(s) therein, to unquestionably adhere to the recommendation of the World Health Organization to declare a global pandemic is without lawful authority.
39. Furthermore, the Plaintiffs and Class Members submit that under customary international law, to which Canada is bound by precedent, no international treaty, convention, covenant, principle or law has unquestionable adoptive authority into the domestic common law of Canada.²⁸ If it is to be considered at all, due process is required for formal implementation by legislation before a full assembly of Parliament. In light of the foregoing, the Plaintiffs and Class Members submit that the constitutional authority of the current Governments, or member(s) therein, to act on behalf of the Canadian public is sufficiently in question to have the matter put urgently, and on interim basis, before this Honourable Court for injunctive declaratory relief.

Jurisdiction for Interim Relief

²⁶ Federal Order-In-Council: P.C. Number 2020-0157 and Ontario Order-In-Council: 518/2020

²⁷ Canadian *Charter of Rights and Freedoms*, s 7, Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11

²⁸ See *Nevsun Resources Ltd. v. Araya*, 2020 SCC 5 (S.C.C.); *R. v. Hape*, 2007 SCC 26 (S.C.C.) at para 39, 43-44; *Baker v. Canada (Minister of Citizenship & Immigration)*, 1999 SCC 699 (S.C.C.) at para 80.

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40. Pursuant to Section 21(1) of the *Crown Liability and Proceedings Act*,²⁹ and Section 17 of the *Federal Courts Act*,³⁰ the Superior Court for Ontario has concurrent jurisdiction to hear

the matters set out within the claim.³¹

41. Pursuant to Section 22(1) of the *Crown Liability and Proceedings Act* [hereinafter *CLPA*],³² and Section 22(3) of the Ontario *Crown Liability and Proceedings Act*,³³ this Honourable Court has the authority to grant interim declaratory rights of the Plaintiffs and Class Members as against the Federal, Provincial, and Municipal Governments, or member(s) therein. It is submitted that interim declaratory relief is necessary in this case as the administration of justice and public interest and security is at stake.
42. The Plaintiffs and Class Members submit that this Honorable Court not only has the authority to grant the relief requested herein³⁴, it also has discretion to interpret, apply and find relief based on the principles of natural justice and common law that flow beneath the legislated immunities, recently amended or otherwise, for bringing claims against the Government, or member(s) therein.³⁵

Grounds for Declaratory Relief – Constitutional Crisis

43. By way of interim motion pursuant to s. 22(1) of the *CLPA*, the Plaintiffs and Class Members seek to bring into question the authority of the Federal, Provincial and Municipal Government, or member(s) therein, to act on behalf of, and in the interest of, the Canadian

²⁹ R.S., 1985, c. C-50, s. 1; 1990, c. 8, s. 21.

³⁰ R.S.C., 1985, c. F-7.

³¹ *Babington-Browne v Canada (Attorney General)*, 2016 ONCA 549 (Ont. C.A.); *Fabrikant v A.G. Canada*, 2020 ONSC 7799 (Ont. Sup. Ct.); *Canada (Attorney General) v TeleZone Inc.*, 2010 SCC 62 (S.C.C.)

³² *Supra* note 2.

³³ 2019, S.O. 2019, c. 7, Sched. 17.

³⁴ *Gumbs v Grant*, 2000 CarswellOnt 2380 (Ont. Sup. Ct.) at para 26.

³⁵ *Francis v Ontario*, 2020 ONSC 1644 (Ont. Sup. Ct.)

public based on the declaration of a pandemic by the World Health Organization as set out in the Order-In-Council dated March 18, 2020.³⁶

44. Based on the aforementioned recommendation by the World Health Organization, a pandemic was declared in Canada resulting in the implementation of Covid-19 emergency response legislation, regulations, protocols, and propaganda which continue to expand and build momentum by the day.
45. The emergency response protocols and subsequent mind, body and health interventions that have developed and evolved since the declaration on March 18, 2020, have been forced onto the Canadian public without any legal or constitutional grounding. These protocols, the use of propaganda and the vaccination rollout directly impact the Plaintiffs' and Class Members' fundamental rights and freedoms as legislated in the Canadian *Charter of Rights and Freedoms*, and enshrined in common law with the Magna Carta of 1215, its confirmation in 1297, in the Bill of Rights, 1689, and its enduring reflections in customary international law. The harms associated with the response of the Governments, or member(s) therein, are easily established as either infringing or suspending fundamental

³⁶ P.C. Number 2020-0157:

Whereas the Governor in Council is of the opinion that

(a) based on the declaration of a pandemic by the World Health Organisation, there is an outbreak of a communicable disease, namely COVID-19 coronavirus disease, in the majority of foreign countries;

(b) the introduction or spread of the disease would pose an imminent and severe risk to public health in Canada;

(c) the entry of persons into Canada who have recently been in a foreign country may introduce or contribute to the spread of the disease in Canada; and

(d) no reasonable alternatives to prevent the introduction or spread of the disease are available;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Health, pursuant to section 58 of the *Quarantine Act*, makes the annexed *Minimizing the Risk of Exposure to COVID-19 Coronavirus Disease in Canada Order (Prohibition of Entry into Canada)*.

rights of the Plaintiffs and Class Members and the Canadian public in general, resulting in a number of associated and enumerated harms as set out below.

46. In light of the gravity of the rights at stake and the subsequent harms claimed by the Plaintiffs and Class Members below, it is submitted that in order for the Governments, or member(s) therein, to legislate outside of those rights and freedoms, lawful constitutional authority and due process must be considered and adhered to.
47. In order to fully understand the Plaintiffs' and Class Members' position, a brief review of Canada's unique constitutional relationship as a member of the Commonwealth Nations of the British Empire, is essential.

The English Common Law and the Constitutionalism of Canada

48. Canada's commonwealth status as a loyal subject of the British Empire is enshrined in the

British North America Act, 1867, 30-31 Vict., c.3 (UK). The Preamble reads,

An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for Purposes connected therewith.

[29th March 1867]

Whereas the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion ***under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom***:

And whereas such a Union would conduce to the Welfare of the Provinces and promote the Interests of the British Empire:

And whereas on the Establishment of the Union by Authority of Parliament it is expedient, not only that the Constitution of the Legislative Authority in the Dominion be provided for, but also that the Nature of the Executive Government therein be declared:

And whereas it is expedient that Provision be made for the eventual Admission into the Union of other Parts of British North America:

Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and

in this present Parliament assembled, and by the Authority of the same, as follows:
[Emphasis added]

49. Furthermore, Section 9 of the *B.N.A. Act* states,

The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen.

Since then, the Executive Powers of the Queen have been confirmed in all Constitutional Documents for Canada. Therefore, we find exactly the same phrase:

The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen.

stated in Section 9 of the current version of the Act, and published by the Department of Justice as of 10 January 2021.³⁷

50. Also, Section 52(1) of the *Canadian Charter of Rights and Freedoms, Constitution Act, 1982*, sets out in the “Constitutional Supremacy Clause”, that:³⁸

52. (1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

(2) The Constitution of Canada includes

(a) the *Canada Act 1982*, including this Act;

(b) the Acts and orders referred to in the schedule; and

(c) any amendment to any Act or order referred to in paragraph (a) or (b).

(3) Amendments to the Constitution of Canada shall be made only in accordance with the authority contained in the Constitution of Canada.

51. Based on the foregoing, the Plaintiffs and Class Members submit that the *Constitution Act* of Canada is not in fact where our sovereign constitution resides; rather it resides with the British Empire and rights and freedoms granted since the Magna Carta of 1215. By sovereign constitution, the Plaintiffs and Class Members refer to the underlying foundation

³⁷ Government of Canada, Laws of Canada webpage, Constitutional Documents, Constitution Acts, 1867 to 1982, <https://laws-lois.justice.gc.ca/eng/Const//page-1.html#docCont>, .

³⁸ Government of Canada, Laws of Canada webpage, Constitutional Documents, Constitution Acts, 1867 to 1982, Canadian Charter of Rights and Freedoms, 1982, <https://laws-lois.justice.gc.ca/eng/const/page-15.html>.

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and principles, which are derived from its unique relationship to the British Empire, on which Canada is built and remains established.

52. The Magna Carta of 1215, granted by King John at Runnymede, enshrined the principles underlying the common law that had begun to be enunciated in the *Assize of Clarendon* of 1166. Sec. 14 of that “Great Charter” of English liberties (1215) provided that “no aid or assessment [...] would be granted to the king without summoning of a common council of the kingdom.” The whole tenor of the Magna Carta was that the king could not govern arbitrarily by abusing his royal prerogatives, but must act “according to law in the making” in which the *common council* comprised of the subjects of the kingdom would participate.³⁹ The modern version of such law-making “common council” within the British Commonwealth, and thus Canadian system, is the Parliament.
53. At the time, the common law evolved as a means to oversee the hand of the King by court decisions creating precedents allowing for adaptation to changing circumstances and evolving law. It were violations of common law rights that caused England to develop constitutions to codify certain common law rights that had been infringed.⁴⁰ It is the first known law to have asserted that a King, was not above the law.
54. On that basis, the Plaintiffs and Class Members submit, there is no legal principle that would support the notion that the United Nations or the World Health Organization have the statutory or legislative power of a ‘common council’ similar to that of the parliament

within the Constitutional system in Canada, nor that these institutions are above the laws that the “common councils” of the parliaments have enacted any Common Law jurisdiction. Chapters 39 and 40 of the Magna Carta guarantees forever the liberty, justice

³⁹ McConnell, *supra note 7* at p. 4.

⁴⁰ Magna Carta 1215/ 1216, British Library, London (UK), Chapter 39-40.

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and due process of law; the same rights Article 29 of the *UN Declaration of Human Rights*⁴¹ attempts to abolish, along with its counterparts, the *European Convention on Human Rights*⁴² and *International Covenant on Civil and Political Rights*.⁴³

55. The Magna Carta of 1215 was a treaty between the Barons and the King. It was subsequently re-issued into Statute law in 1297 by King Edward I, proclaiming in the introductory text, which remains the law of the land, that: “*these Liberties following, to be kept in our Kingdom of England for ever.*” And in Article 1 that,

We have granted also, and given to all the Freemen of our Realm, for Us and our Heirs for ever, these Liberties under-written, to have and to hold to them and their Heirs, of Us and our Heirs for ever.⁴⁴

56. Article 29 (XXIX) of the Magna Carta is the most important law still in force in the United Kingdom as it clearly renders arbitrary coronavirus lockdowns unlawful. The provision sets out,

Imprisonment, &c. contrary to Law. Administration of Justice.” States that: “NO Freeman shall be taken or imprisoned, or be disseised of his Freehold, or Liberties, or free Customs, or be outlawed, or exiled, or any other wise destroyed; nor will We not pass upon him, nor deal with him [condemn him,] but by lawful judgement of his Peers, or by the Law of the Land. We will sell to no man, we will not deny or defer to any man either Justice or Right.”

57. Article 29 of the Magna Carta of 1297 remains the law of the land in the United Kingdom

and the Crown Dependencies and its principles remain the foundation of all common law countries. The Magna Carta was confirmed by Chapter VII of the *English Petition of Rights*

⁴¹ United Nations. (1998). *The Universal Declaration of Human Rights, 1948-1998*. New York: United Nations Dept. of Public Information

⁴² Council of Europe., & Council of Europe. (1952). *The European convention on human rights*. Strasbourg: Directorate of Information

⁴³ The United Nations General Assembly. 1966. "International Covenant on Civil and Political Rights." Treaty Series 999 (December)

⁴⁴ *Magna Carta (1297)*, 1297 CHAPTER 9 25 Edw 1 cc 1 9 29 at Article 1.

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(1627),⁴⁵ which remains law in the United Kingdom to present-day. As a member of the British Commonwealth, the English common law as enshrined in the *Magna Carta* of 1297, is the principled foundation of the Canadian *Charter of Rights and Freedoms* and is the ultimate law of the land. Any derogation of those fundamental rights and freedoms, or the arbitrary exclusion of the "common council" - the Parliament - in making those laws, is

unlawful and without authority if rights and freedoms are suspended or infringed in the absence of due process.

58. The Supreme Court of Canada in *Reference re Secession of Quebec*,⁴⁶ spoke at length about democracy and what it meant in Canada. The following paragraphs emphasize the principles underlying the common law system in Canada and how those principles are applied and upheld through democracy and the Rule of Law;

The evolution of our democratic tradition can be traced back to the *Magna Carta* (1215) and before, through the long struggle for Parliamentary supremacy which culminated in the English *Bill of Rights* in 1688, the emergence of representative political institutions in the colonial era, the development of responsible government in the 19th century, and eventually, the achievement of Confederation itself in 1867. "[T]he Canadian tradition" the majority of this Court held in *Reference re Provincial Electoral Boundaries*, [1991] 2

S.C.R. 158 (S.C.C.), at p. 186, is "one of evolutionary democracy moving in uneven steps toward the goal of universal suffrage and more effective representation". Since Confederation, efforts to extend the franchise to those unjustly excluded from participation in our political system — such as women, minorities, and aboriginal peoples — have continued, with some success, to the present day.

Democracy is not simply concerned with the process of government. On the contrary, as suggested in *Switzman v. Elbling*, *supra*, at p. 306, democracy is fundamentally connected to substantive goals, most importantly, the promotion of self-government. Democracy accommodates cultural and group identities: *Reference re Provincial Electoral Boundaries*, at p. 188. Put another way, a sovereign people exercises its right to self government through the democratic process. In considering the scope and purpose of the *Charter*, the Court in *R. v. Oakes*, [1986] 1 S.C.R. 103 (S.C.C.), articulated some of the values inherent in the notion of democracy (at p. 136):

The Court must be guided by the values and principles essential to a free and democratic society which I believe to embody, to name but a few, respect for the inherent dignity of the human person, commitment to social justice and equality, accommodation of a wide variety of beliefs, respect for cultural and group

⁴⁵ The Petition of Right [1627], 1627 CHAPTER 1 3 Cha 1.

⁴⁶ 1998 CarswellNat 1299 (S.C.C.).

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identity, and faith in social and political institutions which enhance the participation of individuals and groups in society.⁴⁷

The consent of the governed is a value that is basic to our understanding of a free and democratic society. Yet democracy in any real sense of the word cannot exist without the rule of law. It is the law that creates the framework within which the "sovereign will" is to be ascertained and implemented. To be accorded legitimacy, democratic institutions must rest, ultimately, on a legal foundation. That is, they must allow for the participation of, and accountability to, the people, through public institutions created under the Constitution. Equally, however, a system of government cannot survive through adherence to the law alone. A political system must also possess legitimacy, and in our political culture, that requires an interaction between the rule of law and the democratic principle. The system must be capable of reflecting the aspirations of the people. But there is more. Our law's claim to legitimacy also rests on an appeal to moral values, many of which are imbedded in our constitutional structure. It would be a grave mistake to equate legitimacy with the "sovereign will" or majority rule alone, to the exclusion of other constitutional values.

Finally, we highlight that a functioning democracy requires a continuous process of discussion. The Constitution mandates government by democratic legislatures, and an executive accountable to them, "resting ultimately on public opinion reached by discussion and the interplay of ideas" (*Saumur v. Quebec (City)*, *supra*, at p. 330). At both the federal and provincial level, by its very nature, the need to build majorities necessitates compromise, negotiation, and deliberation. No one has a monopoly on truth, and our system is predicated on the faith that in the marketplace of ideas, the best solutions to public problems will rise to the top. Inevitably, there will be dissenting voices. A democratic system of government is committed to considering those dissenting voices, and seeking to acknowledge and address those voices in the laws by which all in the community must live.⁴⁸

The constitutionalism principle bears considerable similarity to the rule of law, although they are not identical. The essence of constitutionalism in Canada is embodied in s. 52(1) of the *Constitution Act, 1982*, which provides that "[t]he Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect." Simply put, the constitutionalism principle requires that all government action comply with the Constitution. The rule of law principle requires that all government action must comply with the law, including the Constitution. This Court has noted on several occasions that with the adoption of the *Charter*, the Canadian system of government was transformed to a significant extent from a system of Parliamentary supremacy to one of constitutional supremacy. The Constitution binds all governments, both federal and provincial, including the executive branch (*Operation Dismantle Inc. v. R.*, [1985] 1 S.C.R. 441 (S.C.C.), at p. 455). They may not transgress its provisions: indeed, their sole claim to exercise lawful authority rests in the powers allocated to them under the Constitution, and can come from no other source.

An understanding of the scope and importance of the principles of the rule of law and constitutionalism is aided by acknowledging explicitly why a constitution is entrenched beyond the reach of simple majority rule. There are three overlapping reasons.

First, a constitution may provide an added safeguard for fundamental human rights and individual freedoms which might otherwise be susceptible to government interference. Although democratic government is generally solicitous of those rights, there are occasions

⁴⁷ *Ibid*, at paras 63-64.

⁴⁸ *Ibid* at paras 67-68.

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when the majority will be tempted to ignore fundamental rights in order to accomplish collective goals more easily or effectively. Constitutional entrenchment ensures that those rights will be given due regard and protection. Second, a constitution may seek to ensure that vulnerable minority groups are endowed with the institutions and rights necessary to maintain and promote their identities against the assimilative pressures of the majority.

And third, a constitution may provide for a division of political power that allocates political power amongst different levels of government. That purpose would be defeated if one of those democratically elected levels of government could usurp the powers of the other simply by exercising its legislative power to allocate additional political power to itself unilaterally.⁴⁹

...
It might be objected, then, that constitutionalism is therefore incompatible with democratic government. This would be an erroneous view. Constitutionalism facilitates — indeed, makes possible — a democratic political system by creating an orderly framework within which people may make political decisions. Viewed correctly, constitutionalism and the rule of law are not in conflict with democracy; rather, they are essential to it. Without that relationship, the political will upon which democratic decisions are taken would itself be undermined.⁵⁰

59. In this instance, the Plaintiffs and Class Members submit that the Federal, Provincial and Municipal Governments of Canada, or member(s) therein, have suspended fundamental

rights and freedoms that are the foundation of the democratic system as expressed, by the adoption and imposition of international standards set out by the World Health Organization and the United Nations without legal authority and due process. The Plaintiffs and Class Members submit that this is fundamentally flawed and requires the immediate intervention and oversight of this Honourable Court.

Legislative Authority

60. Plaintiffs and Class Members submit that the Federal, Provincial, and Municipal Government, or member(s) therein, lack lawful authority to use and apply the World Health Organization's recommendation and guidance to declare a pandemic across Canada and Ontario, on at least two grounds sufficient to give cause for urgent interim judicial intervention;

⁴⁹ *Ibid*, at paras. 72-74.

⁵⁰ *Ibid* at para 78.

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i. The unequivocal adoption of the World Health Organization's recommendation to declare a pandemic which includes adherence to international instruments that justify the suspension of human rights without oversight or due process, is unlawful.⁵¹

It is well-established law that the adoption and application of international treaties, covenants, agreements, principles or guidelines have no legal basis in our domestic common law if they have not been directly legislated into law by due process; the foundation of the English common law prohibits it.⁵²

ii. Pursuant to the distribution of powers under sections 91 and 92 of the *Constitution Act*, the question of which head of power the health and welfare of Canadians falls under in these unprecedented times is not clear.

The Plaintiffs submit that there is a live issue on the question of the constitutional viability of the actions of the Federal, Provincial and Municipal Governments, or member(s) therein. As the health and welfare of the Canadian public is an overlapping division of power, the national and international concerns of the Covid-19 emergency response raises this issue to the forefront.

Historical Overview

61. In 1309 the Commons granted a subsidy to the King under the condition that illegal extensions of jurisdictions of the King's officers without the "Commons'" approval were

⁵¹ ECHR Article 15 & ICCPR Article 4 – allows the suspension of human rights during an emergency – these are the basis for the Level 5 and 6 guidance and Pandemic Preparedness Publications by the WHO that set out clearly the steps that are desired for the '6-foot distancing protocol'. Article 29 of the UN Charter proposes no method for scrutiny of accountability and ICCPR Article 4.1 only has an equality clause.

⁵² *Newsun, Hape and Baker, supra note 28.*

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to be discontinued. In 1322, King Edward II confirmed that ordinances should receive "the assent of the Prelates, earls, barons, and commonality of the realm", and that henceforth, any legislation without the parliamentary assent were illegal.⁵³

62. Under Edward II.'s successors, and by multiple legislative acts since, the fundamental principle of English common law jurisdiction that the "commonality of the realm" is represented in a Commons or parliament, is an organic continuity in the unbroken tradition of English constitutional history.⁵⁴

63. After the Glorious Revolution of 1688, the principles set out in earlier Declarations of Rights were formalized by statute with the enactment of the Bill of Rights, 1689.
64. Most importantly, the Bill of Rights, 1689, declared that the King's suspending power (nullifying the laws) without the consent of the parliament, was illegal; and the dispensing power (exempting from the application of the law while the law is still intact) was abolished absolutely.⁵⁵
65. While the right to petition the King/ Queen, the right to bear arms, and the free election of members of parliament were affirmed and the principle of freedom of speech, and of debate and proceedings in parliament, was upheld, it was also declared that cruel or unusual punishment should not be imposed.⁵⁶
66. The Bill of Rights, 1689, still "constitutes one of the great landmarks defining the relation of parliament to the Crown"⁵⁷ in the British Commonwealth to this very day.

⁵³ McConnell, *supra* note 7, at p. 5.

⁵⁴ McConnell, *supra* note 7, at p. 5.

⁵⁵ *Ibid.* at para 5.

⁵⁶ McConnell, *supra* note 7, at p. 5.

⁵⁷ *Ibid.* at para 5.

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67. Considering the enduring powers of the British Constitutional framework in Canada, and recognizing that valid Canadian laws can therefore, only be purported at the inception of the parliament, the single-handed adoption of recommendations from the World Health Organization without the parliamentary debate and legislation, lacks legal authority and is unlawful under the Constitutional laws of Canada.

68. The World Health Organization is not a faction in the Canadian parliament, part of the Constitutional Monarchy in Canada, or an institution governing the statutory or legal affairs in Canada. Thus, the World Health Organization cannot propose or enact any legislation in Canada.

69. The Plaintiffs and Class Members submit that when politicians bypass Parliament and the Legislature to pronounce emergency measures based on “a pandemic declared by the World Health Organization”, they commit acts designed to exempt parliamentary debate specifically forbidden by the English Bill of Rights in 1689.

Due Process

70. The most troubling issue before this Honourable Court is the complete lack of due process which has resulted in the breakdown of the Plaintiffs and Class Members’ confidence in the Governments, or member(s) therein, to uphold their fundamental rights in a fair, transparent and constitutional manner as was intended by Canada’s common law democratic system.

71. Due process is the foundation of democracy and the basis on which freedoms have, and continue to be, fought. It is the principle that makes the Courts arbiters of the rights and freedoms of the Canadian people as against the democratic system.

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72. In this instance, due process is complex and involves a deep understanding of Canada’s relationship to the British Empire, not only as a Commonwealth Nation but also as an ‘Economic Ally’ on the global stage.

73. Although the following facts may appear incomprehensible to this Honourable Court, it is

respectfully submitted that it should not deter from the truth of the facts submitted. History can be a puzzle, but sometimes the facts align and offer such a clear footprint that although it may seem untenable, the truth of which cannot be denied.

74. The Plaintiffs and Class Members put forward the following summary of historical facts in order assist this Honourable Court in understanding the complexity of the system in place and at issue, in order to assess the grounds for both interim declaratory relief and consideration of the Plaintiffs and Class Members claim as a whole.

Historical Overview

75. On May 15, 1213, King John the 1st, in a Concession to Pope Innocent III, gave over the sovereignty of Great Britain and Ireland, paying an annual stipend for Great Britain and Ireland, and binding his heirs and successors in perpetuity.⁵⁸ Today, Her Majesty Queen Elizabeth II reports to the Pope of Rome and pays the annual stipend, as will her heirs and successors.

76. In 1880,⁵⁹ the Rothschilds, a well-known and highly visible and successful banking family, began their relationship with the Pope, and Vatican, by endorsing a large loan. It is submitted that the Plaintiffs and Class Members will establish on a full record, that this

⁵⁸ Concession of King John to Pope Innocent III, 1213, Stubbs's *Charters*, p. 284, translated in Ernest F. Henderson, *Select Historical Documents of the Middle Ages*, (London: George Bell, 1910), pp. 430-431. Online: <https://sourcebooks.fordham.edu/source/john1a.asp>.

⁵⁹ Gerald Posner (2015). "[2] The Last Pope King". *God's Bankers: A History of Money and Power at the Vatican*. Simon and Schuster. p. 12. [ISBN 978-1416576570](https://www.amazon.ca/dp/9781416576570)

financial relationship has underscored global politics and the economy since its inception. Expert evidence will be put before this Honourable Court illustrating with fact, that

together, the Rothschilds and the Vatican own the Bank of America and Merrill Lynch, among many other shared holdings with other oligarch families, such as the Rockefellers.

77. The Society of Jesus was incorporated by Ignatius of Loyola in 1534 in Paris.⁶⁰ The constitution of the Society of Jesus remained secret until 1770, when the French Parliament published it after its seizure from the Rector, who had been expelled by French authorities. The expression: “The ends justify the means,” emanates from the Jesuit constitution which allows the members to lie, cheat, adulterate, murder in order to achieve their ends, as long as it is in the name of Jesus.⁶¹

78. It must be remembered that the Jesuits have had a long relationship with Canada⁶² which is chronicled in case law⁶³ and most recently, the history of their involvement and assumed liability in the Indian Residential Schools Settlement Agreement.⁶⁴ The book, “The Secret History of the Jesuits”⁶⁵ by Edmond Paris chronicles their global misdeeds in formulating the First World War, the Spanish Flu, the Second World War, and now, as the Plaintiffs and Class Members evidence will show, a “pandemic.”

79. The Order of the Garter⁶⁶ was founded in 1348 by King Edward III to establish a circle of elite nobility, to support the royal treasures and govern the people. Along with the Order,

⁶⁰ <https://www.jesuits.global/about-us/our-history/>

⁶¹ “The Constitutions of the Society of Jesus and Their Complementary Norms: A complete English Translation of the Official Latin Texts”, Institute of Jesuit Sources, (Saint Louis, 1996).

⁶² <http://archivesjesuites.ca/en/the-collections-and-fonds-in-the-archive-of-the-jesuits-in-canada/>

⁶³ *R. v. Bonhomme*, 1917 CarswellNat 22 (Exq. Ct.) at para 5; *Brown v. Cure & Marguilliers de l’Oeuvre*, 1874, CarswellQue 13 (P.C.) para 10; *Brown v. Notre Dame de Montreal*, 1874 CarswellQue 7 (P.C.).

⁶⁴ Indian Residential School Settlement Agreement, May 8, 2006.

⁶⁵ Secret History, Paris at *supra* note 4.

⁶⁶ Order of the Garter at *supra* note 6 and 7.

on August 6, 1348 King Edward III founded two new colleges, symbols of his devotion and generosity to the church. The official website explains

These institutions, which were essentially communities of priests, were charged with celebrating divine service within the two political nerve centres of his realm.

The first of these was the college of St. Stephen at Westminster Palace, the home of royal administration and justice. And the second was the College of St. George at Windsor Castle, the seat of his authority in England's greatest royal castle.

In choosing Saint George, it goes on to explain,

St. George was not only an appropriate patron saint for the successful prosecution of his political ambitions in France but also for the values of knightly virtue that the king so admired. And it was in reaffirmation of Edward III's interest in these that he associated a group of knights with the college, the Order of the Garter. There were twenty-five Knights of the Garter with the king at their head, a number intended to mirror that of the Dean, canons and vicars of the college. Moreover, just as each canon of the college had a deputy, so each knight was to have his. A so-called Poor Knight who was intended to stand in as a deputy for daily religious observance.

The two colleges founded by Edward III were amongst the most important and prestigious in medieval England but their subsequent histories have been very different.....the Royal College of St. George at Windsor continues to serve as home for the sovereign's principal order of chivalry, the Order of the Garter.⁶⁷

80. In 1911 there was a resurgence of the Order of the Garter and the Garter held its first service since the reign of George III after the investiture of the Prince of Wales (later Edward VIII).⁶⁸ In 1966 St. George's House is opened by Her Majesty Queen Elizabeth II for scholarly debate and exploration on the current global environments.⁶⁹ Most recently, the Royal Maundy Service returned to the Royal Chapel for the first time since 1959.⁷⁰ Today

⁶⁷ Official Website <https://www.stgeorges-windsor.org/about-st-georges/history/>

⁶⁸ <https://www.stgeorges-windsor.org/about-st-georges/history/st-georges-timeline/>

⁶⁹ <https://www.stgeorges-windsor.org/about-st-georges/history/st-georges-timeline/>

⁷⁰ <https://www.stgeorges-windsor.org/about-st-georges/history/st-georges-timeline/>

it is the most prestigious chivalric society in the world, the influence of which is unquestionable. In fact, by its own words,

The Most Noble Order of the Garter is among the earliest of numerous orders of chivalry founded during the Middle Ages in the major courts of Europe. But it stands distinct from its peers on two counts.

First, for the particular prestige that has always been attached to the order, and second for its survival to the present day. The establishment of the order was inextricably bound up with the interests and political circumstances of its founder, Edward III (1327-77).⁷¹

81. In explaining the significance of the symbol and motto, the official website explains,

The use of what seems – to modern sensibilities – such a curious emblem has given rise to a popular legend about the foundation of the order. According to this, the Countess of Salisbury lost her garter during a court ball at Calais and Edward III retrieved it, rebuking those who had mocked her embarrassment with the words “Honi soit qui mal y pense” – shame on him who think evil of it – But this phrase, the motto of the order, actually refers to the king’s claim to the French throne, a claim which the Knights of the Garter were created to help prosecute. As to the emblem of the Garter, it may perhaps less interestingly, derive from the straps used to fasten plates of armour.

From the first the Order with its twenty-six so-called Companions was internationally constituted and this led to a distinction in its membership between Knights Subject, who were subjects of the English Crown, and Stranger Knights. Women were also associated with the Order in the Middle Ages and issued with its robes, although they were not counted as Companions. Such association ceased in the reign of Henry VII (1485-1509) but was revived in 1901, when King Edward VII appointed Queen Alexandra a Lady of the Order of the Garter. The first woman to be appointed a full Companion of the Order was Lavina, Duchess of Norfolk in 1990.

Besides the twenty-six Companions various supernumerary appointments have been made to the Order since the reign of George III, all of them immediate members of the Royal family. Since 1813 all Stranger Knights have also been supernumerary appointments.⁷²

⁷¹ <https://www.stgeorges-windsor.org/about-st-georges/history/the-order-of-the-garter/>

⁷² <https://www.stgeorges-windsor.org/about-st-georges/history/the-order-of-the-garter/>

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82. This history is submitted by the Plaintiffs and Class Members in order to assist this Honourable Court in understanding the depth of this organization as it relates to the British Empire and the Commonwealth Nations across the globe. Currently, Queen Elizabeth II is the head of the Royal Order of the Garter and oversees the happenings of the College of Saint George as well as Saint George's House. The most recent appointment of Knights Companion was The Marquess of Salisbury, former Leader of the House of Lords in 2019 and the remaining current members are comprised of prominent businesspersons, bankers, military, and politicians.

83. The Order of the Garter's Saint George's House was established in 1966. The official website explains its inception and purpose as follows,

St George's House, set in the historic grounds of Windsor Castle, was founded in 1966 by H.R.H. The Duke of Edinburgh and the then Dean of Windsor, Robin Woods. It is a place where people from right across society who are in a position to make a difference might gather together to grapple with issues pertinent to our contemporary world. The House thrives on debate, discussion and dialogue as a way of nurturing wisdom which can be put to use in the wider world.

Those who come to the House work within sight of the Castle and, more closely, St George's Chapel where three times a day, every day, prayer is offered for the nation. That tradition of prayer, established in 1348 by King Edward III, has extended for more than six hundred years. It is precisely this tradition that gives the House its impetus and its wider theological context. The offering of prayer in the Chapel finds a practical expression in consultations, where the House offers space to work towards a better world for people of all creeds and none. Diversity in its many manifestations is something we strive at all times to acknowledge and accommodate.

Our work embraces a number of strands: consultations on topics of national

and international significance; our Society of Leadership Fellows, which offers comprehensive leadership training and development; clergy courses, which seek, both theologically and pragmatically, to refresh the practice and personal development of those in ministry; and hospitality for groups or organisations who, understanding the ethos and core objectives of the House, bring to us their own consultations. We also host a series of lectures. These include the St George's House Annual Lecture, the Elson Ethics

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Lecture, and the Finlay Theology Lecture. Taken together our annual programme is varied, rich, and intellectually challenging.

In a world of twenty-four hour news and burgeoning social media where the headline and the soundbite dominate, opportunities to reflect deeply on difficult matters are fewer and further between. St George's House offers just such an opportunity. We ask our guests to argue cogently, to listen carefully, and to be open always to the possibility of changing one's mind. Time spent at the House should be enriching. We hope that people leaving the Castle grounds will do so intellectually refreshed, more deeply alert to the nuances of the topic to hand, and ready to put whatever wisdom they have acquired to full use in our society.

84. A cursory review of some of the titles and presenters of the House's Annual Review offers a flavour of the topics and influences the material is intended to have on the privileged and important audience. For instance consider the following,

2019 Professor Michael Ignatieff, "When the Times Are Out of Joint: The Consolations of History"

2018 Sir Christopher Meyer KCMG, "Britain and America: The Lessons of History"

2017 Baroness O'Neill of Bengarve CH CBE FBA, "Justice without Ethics: a Twentieth Century innovation?"

.....

2005 Professor Timothy Garton Ash, "Europe – Freedom's Friend or Freedom's Foe?"

2004 Air Chief Marshal Sir Brian Burridge KCB CBE ADC RAF, "The Principles and Practice of Military Intervention in the Post-Modern World"

2003 Bridget M. Ogilvie, DBE, FRS, "Science and the Hope of Progress"

2002 F.W. De Klerk, "The Challenge of Diversity: Co-existing in a Globalized World"⁷³

85. In light of the issues before the Court, the current global environment, and the facts as set out in the claim, the Plaintiffs and Class Members submit that the aforementioned evidence is

relevant to the understanding of the complexity of the underlying relationships that are influencing the global arena on health and economics and Canada's place and role therein.

⁷³ <https://www.stgeorghouse.org/lectures/annual-lecture/previous-annual-lectures/>

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86. The relevancy of this evidence to Canada can be better understood by the use and role of the Usher of the Black Rod,⁷⁴ an official of the Parliament of Canada and the Secretary to the Queen in Canada. The Black Rod is carried by the Usher to open Parliament, and the inscription on the Black Rod is "*Honi soit qui mal y pense*,"⁷⁵ bearing witness to the control exerted by the Order of the Garter in Canada still to this day. Furthermore, this symbol and motto appears as the crest of all Federal, Provincial and Territorial courtrooms across Canada on the wall behind the judiciary. It is undeniable that the Order of the Garter holds a presence in the establishment of Canada both politically and legally.

87. Canada remains a colony to the British Empire, as evidenced, among other places, in two articles of the *British North America Act, 1867*:⁷⁶

Section 9. "The Executive Government and Authority and over Canada is hereby declared to continue and be vested in the Queen."

And

Section 15: "The Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces of and in Canada, is hereby declared to be continued and vested in the Queen."

88. It is important to note that the Federal Government, or member(s) therein, appointed an active member of the military to head up the Covid-19 task force.⁷⁷ A plain-reading of s.

15 of the *BNA* Act above, would indicate that the Queen, and in turn the British Empire, is therefore the directing head of the Covid-19 task force and vaccination rollout.

89. The Federal Government, or member(s) therein, have issued Executive Orders (Orders-in-Council) for Covid-19 protocols based on guidance and recommendations of the World

⁷⁴ <https://sencanada.ca/en/sencaplus/how-why/usher-of-the-black-rod-is-parliaments-royal-attendant/>

⁷⁵ <https://blogs.bl.uk/digitisedmanuscripts/2020/04/st-george-and-the-garter.html>.

⁷⁶ *BNA*, at *supra* note 5.

⁷⁷ Major General Dany Fortin, a former NATO commander in Iraq, will oversee the taskforce as per announcement November 27, 2020.

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Health Organization and the United Nations. The following is a list of Orders-in-Council that are specifically at issue in the Plaintiffs and Class Members' claim. As the wrongdoings are ongoing, this list does not purport to be exhaustive;

- a) PC Number 2020-0070, dated 2020-02-17 – invokes *Quarantine Act*
- b) PC Number 2020-0157, dated 2020-03-18 – declaration pandemic
- c) PC Number 2020-0175, dated 2020-03-24 – isolation facilities
- d) PC Number 2020-0248, dated 2020-04-10 – fines for non-compliance
- e) PC Number 2020-0260, dated 2020-04-14 – mandatory inquisition and masks
- f) PC Number 2020-0279, dated 2020-04-28 – transfer, lease or loan public property
- g) PC Number 2020-0305, dated 2020-05-10 – Canada Enterprise Emergency Funding Corporation
- h) PC Number 2020-0411, dated 2020-05-30 – clinical trials

90. The Provincial Government of Ontario, or member(s) therein, declared a pandemic based on the guidance and recommendation of the World Health Organization on March 17, 2020.⁷⁸ This resulted in the drafting and implementation of various emergency statutes

and regulations covering safety, lockdown protocol and means of enforcement. The Plaintiffs and Class Members submit that the following legislation and regulations pose the most significant infringement on fundamental rights and freedoms. As the wrongdoings are ongoing, this list does not purport to be exhaustive:

- a) Reopening Ontario (A flexible Response to COVID-19) Act 2020
- b) Coronavirus (COVID-19) Support and Protection Act, 2020

⁷⁸ COVID-19 declared emergency” means the emergency declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*.

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- c) Support Ontario’s Recovery and Municipal Elections Act, 2020

91. The Plaintiffs and Class Members submit that a full picture cannot be appreciated without drawing the connection back to Rome and the special relationship that exists between it and the British Empire. As a British colony, Canada has certain obligations to the British Empire on the world stage as it relates to a global political agenda. In that regard, the relationship of Rome to the British Empire is a matter of consideration for this Honourable Court.

92. On May 24, 2015, the Pope delivered the encyclical letter entitled “Laudato Si.”⁷⁹ On October 3rd, 2020 the Pope of Rome issued his encyclical letter entitled “Fratelli Tutti.”⁸⁰ The first letter of 2015 dealt with humans and nature, and the second letter this October dealt with a new view of the world. At paragraph 100 of the October 3rd, 2020 letter, it states:

I am certainly not proposing an authoritarian and abstract universalism devised or planned by a small group and presented as an ideal for the sake of levelling, dominating and plundering.”⁸¹

93. Despite saying the opposite, the Pope goes on to recommend that individual states give up their sovereignty and turn over governance to the United Nations so that we might have one world government in one world order under the leadership of the United Nations.

94. Calls for the surrender of personal rights and freedoms and national sovereignty to universal Papal authority, is an enduring agenda in Vatican politics. The common people are to be submitted to this goal without consultation or representation. This is also

⁷⁹ The Holy Father Francis. Encyclical Letter *Laudato Si* (2015):

http://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica_laudato-si.html

⁸⁰ The Holy Father Francis. Encyclical Letter *Fratelli Tutti*, (October 3, 2020) at *supra* note 1.

⁸¹ The Holy Father Francis. Encyclical Letter *Laudato Si* (2015) at *supra* note 34.

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represented in the fact, that ‘Fratelli Tutti’ (2020), is only the most recent declaratory expression of the Papal State’s perpetual refusal to accept universal rights and freedoms as vested in each individual naturally, requiring no papal approval of their existence. On, 24 August 1215, Pope Innocent III (1161–1216) issued a papal bull annulling the Magna Carta. As overlord of the kingdom, and protector of a king who had taken a crusader’s vow, Innocent III declared the royal acknowledgment of rights and freedoms in the Magna Carta null and void of validity, and despised it as “illegal, unjust, harmful to royal rights and shameful to the English people”. The Pope’s declaration remained of no consequences but rather, what he despised was confirmed in the Magna Carta of 1297 and formally enshrined in the Bill of Rights in 1689.⁸² The Papal encyclica and establishment of Councils are the continued efforts to force nations to relinquish sovereignty and democratically guaranteed rights and freedoms while subtly attacking our Constitutional orders.

95. The ‘Council for Inclusive Capitalism with the Vatican’ was established on December 8, 2020 in an historic new partnership between some of the world’s largest investment and business leaders and the Vatican. The vision of the Council for Inclusive Capitalism is fundamentally about creating long-term value for all stakeholders – businesses, investors, employees, customers, governments, communities, and the planet. This includes further enhancement of environmental, social, and governance measures in their operations in order to help achieve the United Nations Sustainable Development Goals.⁸³ Interestingly,

⁸² British Library Collection, Bulla Innocentii Papae III. pro rege Johanne, contra barones. (In membr.) 1216. 151, created 24 August 1215, at Agagni, Italy, Cotton Manuscript, bound with Cotton MS Cleopatra E I Collection, ff. 155–156.

⁸³ Official Website: <https://www.inclusivecapitalism.com/guiding-principles/>

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these are the same United Nations Sustainable Development Goals espoused by Prime Minister Trudeau as preparing us for the Great Reset.

96. The Council for Inclusive Capitalism’s founding and managing partner is Lady Lynn Forrester de Rothschild, who incidentally is the wife of Sir Evelyn de Rothschild who is the personal financial advisor to Her Majesty Queen Elizabeth II. In advising the Pope she is aided by a group called the Guardians; Rajiv Shah, CEO Rockefeller Foundation, Darren Walker, CEO FordFoundation, Head of Dupont, Merck, Johnson & Johnson, CEOs of all major credit cards, Mark Carney, United Nations Special Advisor for Climate Action and Finance, together with the CEO of the Bank of America.⁸⁴ All advising to help achieve the United Nations Sustainable Development Goals.

COVID-19 Factual Overview

97. On March 12, 2020 the World Health Organization declared Covid-19 a global pandemic.⁸⁵

98. The Director-General of the World Health Organization is Dr. Tedros Adhanom Ghebreyesus.⁸⁶ Dr. Tedros Adhanom Ghebreyesus was appointed as Director-General of the World Health Organization in 2017. The Plaintiffs' will put forward Expert Evidence on the full record indicating that the current Director-General is accused of aiding genocide in Ethiopia between 2013 and 2015 and reports have been made that criminal charges have been laid.⁸⁷ In the prosecution that is before the International Criminal Court, Dr. Tedros Adhanom Ghebreyesus is indicted as being one of three officials who were in charge of

⁸⁴ Official Website: <https://www.inclusivecapitalism.com/our-guardians/>

⁸⁵ Official Website: <https://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-covid-19/news/news/2020/3/who-announces-covid-19-outbreak-a-pandemic>

⁸⁶ Official Website: <https://www.who.int/director-general>

⁸⁷ Mail Online, Rachel Bunyan, December 14, 2020

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the security services over that period, in which the “killing” and “torturing” of Ethiopians took place.

99. In 2000 Bill Gates steps down as Microsoft CEO and creates the 'Gates Foundation' and (along with other partners) launches the 'Global Alliance for Vaccines and Immunization (GAVI);'.⁸⁸ The Gates Foundation has given GAVI approximately \$4.1 Billion. Gates has further lobbied other organizations, such as the World Economic Forum ("WEF") and governments to donate to GAVI including Canada and its current Prime Minister, Justin Trudeau, who has donated over \$1 Billion in Canadian taxpayers dollars to the partnership

scheme of GAVI and the World Health Organization, upon continued lobbying by Gates.

100. On March 17, 2020- Prime Minister Trudeau asks for lockdown measures, under the Federal *Quarantine Act*, banning travel. The same date Premier Doug Ford declares an Emergency in Ontario, under the Provincial legislation.

101. On March 19, 2020 - The status of COVID-19 in the United Kingdom is downgraded. COVID-19 is no longer considered a high consequence infectious disease (HCID).⁸⁹ The Advisory Committee on Dangerous Pathogens (ACDP) in the UK is also of the opinion that COVID-19 should no longer be classified as an HCID (High Consequence Infectious Disease).⁹⁰

102. On March 24th, 2020 -Global medical experts declared that efforts to contain the virus through self-isolation measures would negatively impact population immunity, maintain a high proportion of susceptible individuals in the population, prolong the outbreak putting

⁸⁸ WHO history, at *supra* note 14.

⁸⁹ <https://www.gov.uk/topic/health-protection/infectious-diseases>

⁹⁰ <https://preforthat.com/uk-officals-covid-19-no-longer-high-consequence-infectious-disease/>

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more lives at risk, damage to our economy and the mental stability and health of the more vulnerable.⁹¹

103. On March 24,2020 -Bill Gates announces funding for a company that will blanket Earth with \$1 billion in video surveillance satellites.

104. On March 26th, 2020, Microsoft announces it is acquiring' Affirmed Networks" focused on 5-G and "edge" computing".

105. March 31, 2020, Dr. Theresa Tam states that, "it is not clear that masks actually help prevent infections and may increase the risk for those wearing them."
106. On April 21, 2020 - Bill Gates states that a coronavirus vaccine "is the only thing that will allow us to return to normal."
107. On April 6, 2020 – German epidemiologist, Knut Wittkowsky releases a statement warning that artificially suppressing the virus among low-risk people like school children may increase the number of new infections" as it keeps the virus circulating much longer than it normally would.⁹²
108. On April 15, 2020 - Bill Gates pledges another \$150 million to coronavirus vaccine development and other measures. He states, "There are seven billion people on the planet. We are going to need to vaccinate nearly everyone."
109. On April 18, 2020, US News reports corona virus tests are ineffective due to lab contamination at the EDC and the CDC's violation of its manufacturing standards.

⁹¹ <https://www.europeanloaded.com/twenty-two-experts-questioning-the-coronavirus-panic-videos-scientific-common-sense/>

⁹² Stand Up for Your Rights, says Bio-Statistician Knut M. Wittkowski, American Institute for Economic Research. April 6, 2020. <https://www.aier.org/article/stand-up-for-your-rights-says-professor-knut-wittkowsky/>

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110. On April 24, 2020 - The Ontario government took the "extraordinary step" to release a database to police with a list of everyone who has tested positive for COVID-19 in the province.⁹³
111. On April 30, 2020 – Bill Gates writes that “the world will be able to go back to the way

things were ... when almost every person on the planet has been vaccinated against coronavirus." Gates also states that "Governments will need to expedite their usual drug approval processes in order to deliver the vaccine to over 7 billion people quickly."

112. On May 14, 2020, Microsoft announces that it is acquiring UK-based 'Metaswitch Networks', to expand its Azure 5-G strategy.
113. On May 19, 2020 - Health Canada approves human trials of a SARS-Co V-2 (COVID-19) vaccine without clear evidence that prior animal testing to identify the potential risk of pathogenic priming (immune enhancement) has been conducted.
114. By May 2020 - Over six million Canadians have applied for unemployment benefits and 7.8 million Canadians required emergency income support from the Federal government, because of economic shut-downs and closures dictated by Covid-measures.
115. By May, 2020 - Estimates of the Federal deficit resulting from their response to SARS CoV-2 (COVID-19) ranges up to \$400 billion. (This exceeds the Canada's national budget for a year).
116. On May 20, 2020 - Dr. Teresa Tam, Canada's Chief Medical Officer, publicly advised the use of non-medical masks for the general public to provide an "added layer of protection" that could help prevent asymptomatic or pre-symptomatic Covid-19 patients from unknowingly infecting others. Dr. Tam's advice is not supported by scientific evidence.

⁹³ <https://toronto.ctvnews.ca/ontario-takes-extraordinary-step-to-give-police-list-of-all-covid-19-patients>
1.4910950

117. On May 22, 2020 – Prime Minister Justin Trudeau told reporters that “contact tracing” needs to be ramped up across the country. Trudeau stated that he “strongly recommends”

provinces use cell phone apps when they become available, and that this use would likely be mandated.

118. On or about May 25, 2020, the Federal government announced potential Criminal Code provisions, making it a criminal offence to publish "misinformation" about the COVID-19. "Misinformation" quickly evolves to mean as any opinion or statement, even from recognized experts, which contradicts or criticizes measures taken and/or mandated by the WHO, to be implemented globally by national and regional governments.

119. As of June 9, 2020, neither Prime Minister Trudeau, nor Premier Ford are willing and in fact refusing to disclose what medical advice, and from whom, they are acting.

120. On June 23, 2020, the Justice Centre for Constitutional Freedoms calls for, in a 69-page report, an end to the lock-down measures based on an analysis of the lack of medical and scientific evidence for their imposition and the infliction of unwarranted and severe Charter violations.

121. On June 18, 2020, Premier Doug Ford announced an upcoming up-step and acceleration of the implementation of "contract tracing" surveillance through cellphones.

122. On July 24, 2020, the Ontario government revoked the Declaration of Emergency ordered under the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 and brought into effect the *Reopening Ontario (A Flexible Response to COVID-19) Act*, 2020, S.O. 2020, c. 17.

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123. On November 27, 2020 the Federal Government, or member(s) therein, appointed an active member of the military to head up the Covid-19 task force for the rollout of the vaccines.⁹⁴

WRONGDOINGS AND CONSTITUTIONAL CHALLENGES

124. The Plaintiffs and Class Members submit that the Defendants share responsibility and liability as it relates to the wrongdoings perpetrated against them in relation to the Covid 19 response effort advanced by the Federal, Provincial and Municipal Governments, or member(s) therein, that is currently underway in Canada. The Plaintiffs and Class Members submit that this effort has been orchestrated by the World Health Organization and its affiliates, resulting in guidelines and recommendations being adopted into Canadian Orders-In-Council without lawful authority and due process.

125. The Plaintiffs and Class Members submit that the Defendants are vicariously liable for the following wrongdoings;

- a) Unequivocally adopting international guidelines and recommendations put forward by the World Health Organization through Orders-In-Council without lawful authority and due process; and
- b) Implementing international guidelines and recommendations through legislation which suspend and infringe the Plaintiffs and Class Members fundamental rights and freedoms as set out in the *Canadian Charter of Rights and Freedoms*; and
- c) Knowingly and willfully advancing, promoting, adopting and manufacturing Covid-19 protocols, task force response and medical protocols which violate terms and provisions of the *Crimes Against Humanity and War Crimes Act*, (S.C. 2000,

⁹⁴ Major General Dany Fortin, a former NATO commander in Iraq, will oversee the taskforce as per announcement November 27, 2020.

c. 24) under the rubric of a state of emergency that is both unconstitutional and

unlawful.

A. Unequivocally adopting international guidelines and recommendations put forward by the World Health Organization through Orders-In-Council without lawful authority and due process

126. This wrongdoing is specifically addressed above in motion for interim declaratory relief.

The Plaintiffs and Class Members submit that the Federal, Provincial and Municipal Governments, or member(s) therein, have suspended fundamental rights and freedoms that are the foundation of the democratic system of Canada, by the adoption and imposition of international standards set out by the World Health Organization and the United Nations without legal authority and due process. The Plaintiffs and Class Members submit that this is fundamentally flawed.

127. The Plaintiffs and Class Members rely on the English common law as prohibiting unilateral adoption of international treaties, covenants, guidelines and recommendations, without due process. In this instance, the Plaintiffs and Class Members submit that due process requires that these international recommendations and instruments first be indoctrinated into legislation before a full assembly of Parliament, in order to have legal authority to suspend, vary or deny the constitutional rights and freedoms of the Canadian public.⁹⁵

128. Furthermore, the Plaintiffs and Class Members submit that this Honourable Court is bound by the recent decision of the Supreme Court of Canada in *Nevsun Resources Ltd. v. Araya*.⁹⁶ The Plaintiffs and Class Members ask that this Honourable Court contemplate the first few paragraphs of Majority's decision,

⁹⁵ *Nevsun, Hape and Baker*, at *supra* note 28.

⁹⁶ *Nevsun*, at *supra* note 28.

This appeal involves the application of modern international human rights law, the phoenix that rose from the ashes of World War II and declared global war on human rights abuses. Its mandate was to prevent breaches of internationally accepted norms. Those norms were not meant to be theoretical aspirations or legal luxuries, but moral imperatives and legal necessities. **Conduct that undermined the norms was to be identified and addressed**

The process of identifying and responsively addressing breaches of international human rights law involves a variety of actors. Among them are courts, which can be asked to determine and develop the law's scope in a particular case. This is one of those cases.⁹⁷

129. The Plaintiffs and Class Members submit that the unilateral adoption by the Federal, Provincial and Municipal Governments, or member(s) therein, of international guidelines and recommendations espoused by the World Health Organization, that cause the suspension of fundamental rights and freedoms protected by the *Charter of Rights and Freedoms* and customary international law, unlawfully and without due process, is exactly the “conduct that undermines the norms” that the Supreme Court of Canada was stating needed identification and addressing. And it is this exact conduct that the Plaintiffs and Class Members have asked that this Honourable Court identify and address on an interim declaratory basis.

B. Implementing international guidelines and recommendations through legislation which suspend and infringe the Plaintiffs’ fundamental rights and freedoms as set out in the Canadian Charter of Rights and Freedoms

130. The Plaintiffs and Class Members submit that as a result of the Federal, Provincial and Municipal Governments, or member(s) therein, unilaterally adopting the recommendation to declare a pandemic as the basis in which to invoke or legislate emergency protocols

⁹⁷ *Ibid* at para 1 & 2.

advocated by the World Health Organization and its affiliates, caused the pith and substance of that legislation to be in its force and effect, outside its constitutional authority. Without due process in the adoption of international standards and guidelines, there can be no legal authority to legislate or take action, in that regard. Furthermore, in light of the national health and safety concerns, the question of the division of powers is raised and requires consideration.

131. If this Honourable Court finds that the Federal Government had the lawful authority to unilaterally adopt the recommendations of the World Health Organization to declare a pandemic without due process, it is respectfully submitted that any subsequent legislation or regulations that came from that recommendation, by either the Federal or Ontario Governments, or member(s) therein, is required to undergo *Charter* scrutiny to ensure that the Plaintiffs and Class Members' rights and freedoms remain protected by the *Canadian Charter of Rights and Freedoms*.

132. The Plaintiffs submit that the following is a partial list of legislation and regulations that are relevant to an understanding of the suspension and infringement of the Plaintiffs and Class Members fundamental *Charter* rights and freedoms;

a) *Emergencies Act*, R.S.C. 1985, c. 22 (4th Supp.)

Preamble states:

AND WHEREAS the fulfilment of those obligations in Canada may be seriously threatened by a national emergency and, in order to ensure safety and security during such an emergency, the Governor in Council should be authorized, ***subject to the supervision of Parliament***, to take special temporary measures that may not be appropriate in normal times;

AND WHEREAS the Governor in Council, in taking such special temporary measures, would be ***subject to the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights and must have regard to***

respect to those fundamental rights that are not to be limited or abridged even in a national emergency

b) *Emergencies Management Act*, S.C. 2007, c. 15

c) *Quarantine Act*, S.C. 2005, c. 20

Section 5(1) states: The Minister may designate qualified persons, or classes of qualified persons, as analysts, screening officers or environmental health officers

d) *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9.

Section 7.0.1(1) states

Subject to Subsection (3), the Lieutenant Governor in Council or the Premier, if in the Premier's opinion the urgency of the situation requires that an order be made immediately, may by order declare that an emergency exists throughout Ontario or in any part of Ontario

Section 7.0.1(3) states

An order declaring that an emergency exists throughout Ontario or any part of it may be made under this section ***if, in the opinion of*** the Lieutenant Governor in Council or the Premier, as the case may be, the following criteria are satisfied:

1. There is an emergency that requires immediate action to prevent, reduce or mitigate ***a danger of major proportions that could result in serious harm*** to persons or substantial damage to property.

Section 7.0.2 (1) states:

The purpose of making orders under this section is to promote the public good by protecting the health, safety and welfare of the people of Ontario in times of declared emergencies in a manner that is subject to the *Canadian Charter of Rights and Freedoms*

e) *Reopening Ontario (A Flexible Response to COVID-19) Act*, 2020, S.O.2020, c. 17

Section 2(1) states

The orders made under section 7.0.2 or 7.1 of the *Emergency Management and Civil Protection Act* that have not been revoked as of the day this subsection comes into force are continued as valid and effective orders under this Act and cease to be orders under the *Emergency Management and Civil Protection Act*

a) subject to subsections (2) and (5), amend a continued section 7.0.2 order in a way that would have been authorized under section 7.0.2 of the *Emergency Management and Civil Protection Act* ***if the COVID-19 declared emergency were still in effect*** and references in that section to the emergency were references to the COVID-19 pandemic and its effects

Section 17 states

Unless it has been terminated before this section comes into force, the COVID-19 declared emergency is terminated and Ontario Regulation 50/20 (Declaration of Emergency) is revoked

133. The Plaintiffs and Class Members submit that the sum effect of the orders contained in the Regulations are:

- a) Ordering the shut-down of all business, except for 'essential' businesses which were tied to food, medicine, doctors and hospitals;
- b) A 'social distancing' of two (2) meters;
- c) No 'public gathering' of more than five (5) persons who are un-related, with 'social distancing' of two (2) meters, which was later increased to ten (10) persons;
- d) Restaurant and bar shut-downs, except for take-out service;
- e) The physical closure of all public and private schools, daycares, and universities;
- f) The mandatory use of face-masks, mandated by the Ministry of Health, to all the Medical Regulatory Medical Services Colleges, to direct all their licensed members to impose mandatory masking of all patients, employees, and members, in their place of work;
- g) The shut-down of all park amenities including all play-grounds and facilities for children;

- h) The elimination of one-on-one, and all other programs for special-needs children, and those suffering from neurological and physical disabilities;

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i) Banning all public gatherings over five (5) -persons, notwithstanding a social distancing of two (2) meters, including the banning of religious services, including a restriction on marriages, funerals, and other religious actions and ritual and rites.

j) The provision for offences, laying of charges, and imposition of heavy fines for breach of the orders, with an impossibility to challenge those fines as the Provincial Offences Court was (and could again) be physically closed and the *Provincial Offences Act* tickets make it clear that the charge and line cannot be 'mailed in" but that the person must attend, physically, at the Provincial Offences Court to file a defence of the charges, only to find a closed Courthouse.

134. The Plaintiffs and Class Members submit that the following rights and freedoms have been either suspended or infringed by the legislative acts of the Federal and Ontario Governments, or member(s) therein. As the wrongdoings are ongoing in this regard, this list does not purport to be exhaustive.

Section 2 protects our fundamental rights to:

- a) Freedom of Conscience and Religion;
- b) Freedom of Thought, beliefs and opinion and expression including freedom of the press and other media of communication;
- c) Freedom of peaceful assembly; and
- d) Freedom of association

135. The Plaintiffs and Class Members submit that their Section 2(a),(c) and (d) fundamental rights were *prima facie* suspended and infringed by the implementation of the Ontario Government's *Reopening Ontario (A Flexible Response to COVID-19) Act*,⁹⁸ and the subsequent Regulations, which set out the protocol and enforcement of the restriction of

movement and gathering of the Plaintiffs and Class Members on the modified basis of “the Covid-19 pandemic and its effects” without lawful authority and due process.”⁹⁹

136. The Plaintiffs and Class Members also submit that their Section 2(b) rights have been infringed by the Federal, Provincial and Municipal Governments, or member(s) therein, using the broadcasting system for the advancement of a propaganda campaign disseminating one-sided information directed at promoting the international guidelines and recommendations of the World Health Organization and its affiliates, contrary to the principles set out in s. 2(b) of the *Charter*, the infringement of which requires further consideration and oversight.

Section 6(1). Every citizen of Canada has the right to enter, remain in and leave Canada

137. The Plaintiffs and Class Members submit that their Section 6(1) right to enter, remain and leave Canada was *prima facie* suspended and infringed with the invocation of the *Emergency Act*¹⁰⁰ and the *Quarantine Act*¹⁰¹ by the Federal Government, or member(s) therein, on the basis of the declaration of a pandemic without lawful authority and due process which cannot be justified pursuant to s. 1.

Section 7 Everyone has the right to life, liberty and the security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice

138. The Plaintiffs and Class Members submit that their Section 7 right to life, liberty and the security of the person was suspended and infringed with the invocation of the aforementioned legislation, both Federal and Provincial, based on the unilateral adoption

⁹⁹ S. 7(3) Reopening Ontario

¹⁰⁰ R.S.C. 1985, c. 22 (4th Supp.)

¹⁰¹ S.C. 2005, c. 20

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of the recommendation to declare a pandemic by the World Health Organization. Since that time, the Plaintiffs' and Class Members' rights remain suspended and infringed despite the state of emergency being revoked, which cannot be justified pursuant to s. 1.

Section 8 Everyone has the right to be secure against unreasonable search or seizure

139. Pursuant to the Ontario Government's legislation *Reopening Ontario (A Flexible Response to COVID-19) Act*,¹⁰² and the subsequent Regulations, the Plaintiffs and Class Members' health records are tracked and disclosed to third parties¹⁰³ without due process or informed consent rendering this act unlawful and unjustified under s. 1, particularly in light of the revocation of the declaration of emergency.

Section 12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment

140. The Plaintiffs and Class Members submit that any summary enforcement provisions, or otherwise, that were implemented, upheld and continue to be applied under the aforementioned legislation and regulations suspends and infringes the Plaintiffs and Class Members' s. 12 rights and cannot be justified under s. 1 in light of the lack of authority and due process.

Section 25. The guarantee in their charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any Aboriginal, treaty or other rights of freedoms that pertain to the Aboriginal peoples of Canada

141. The Plaintiffs and Class Members submit that the relationship of the Indigenous Peoples to Canada requires review and consideration in this instance as it relates to the Covid-19 emergency response. Evidence is arising suggesting that the *sui generis* relationship of

¹⁰² 2020, S.O. 2020, c. 17.

¹⁰³ s. 4(5)

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Indigenous Peoples to the Crown is giving them priority in the vaccine rollout which could have disastrous effects on the mind, body and health of an entire group of people. All of which is being undertaken without legal authority or due process and cannot be justified under s. 1.

Section 26. The guarantee in their charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada

142. The Plaintiffs and Class Members submit that this section recognizes the underlying principles of natural justice that support and protect our individual rights and freedoms which are encapsulated in the English common law, the Magna Carta of 1297, the Bill of Rights, 1689 and the customary international law that flows beneath the fundamental tenets of the Canadian democratic system. By the Federal and Provincial Governments, or member(s) therein, unilaterally adopting the recommendations and guidelines of the World Health Organization, without authority and due process, the rights and freedoms underlying the very fabric of the Canadian democratic system have been unjustifiably suspended and infringed.

143. The Plaintiffs and Class Members submit that subsequent to the unlawful declaration of a pandemic by the Federal and Provincial Governments, or member(s) therein, legislation and regulations were invoked that suspended and infringed the rights and freedoms of the Plaintiffs without justification or due process. The Plaintiffs and Class Members request that this Honourable Court undertake an inquiry into the constitutionality of the legislated Covid-19 protocols and emergency response.

C. Knowingly and willfully advancing, promoting, adopting and manufacturing Covid-19 protocols, task force response and medical protocols which violate terms and provisions of the

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Crimes Against Humanity and War Crimes Act, (S.C. 2000, c. 24) under the rubric of a state of emergency that is both unconstitutional and unlawful

144. The Plaintiffs and Class Members submit that as the Covid-19 response has evolved into a vaccine rollout, any actions taken by the Governments, or member(s) therein, relating to the mind, body and health of the Plaintiffs and Class Members, or the Canadian public in general, shall invoke the provisions of the *Crimes Against Humanity and War Crimes Act*, in light of the inherent risks involved with a mass inoculation of a populous without due process of either the governing body or the scientific community.

145. Pursuant to Section 4(3) of the *Crimes Against Humanity and War Crimes Act*, the definition of crime against humanity includes,

murder, extermination, enslavement, deportation, imprisonment, torture, sexual violence, persecution ***or any other inhumane act or omission*** that is committed against any civilian population or any identifiable group and that, at the time and in the place of its commission, constitutes a crime against humanity according to customary international law or conventional international law or by virtue of its being criminal according to the general principles of law recognized by the community of nations, whether or not it

constitutes a contravention of the law in force at the time and in the place of its commission.

146. In this regard, the Plaintiffs and Class Members submit that the promotion and advancement of the vaccine rollout without due process is an inhumane act or omission by the Government that falls within the definition of a crime against humanity. Legislators do not have the specialized knowledge required to conduct the necessary risk-benefit analysis of the individual. All vaccines carry risks. Compulsory vaccination constitutes a gross violation of the right to informed consent.

147. The *Declaration of Helsinki* states that every research project,

[...] must be preceded by careful assessment of predictable risks and burdens... in comparison with foreseeable benefits" (article 18). It adds that

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the research should be stopped when the risks outweigh the potential benefits (article 20). Researchers must ensure equilibrium between the potential risks and benefits of the research and that the risks have been minimized (guideline 8).”¹⁰⁴

148. Furthermore, the *Declaration of Helsinki* and the Council for International Organizations of Medical Sciences (CIOMS) requires that:

[...] vulnerable people should not be included in research unless the research is indispensable to the improvement of their health and it cannot be done with people who are not capable of providing consent¹⁰⁵

In this instance, the mass vaccination planned not only lacks informed consent, it is also specifically directed at the vulnerable, children and Indigenous Peoples first.

149. The Plaintiffs and Class Members submit that according to the U.S. American Pfizer and BioNTech trials, the risk of infection is lowered by 0.39%.¹⁰⁶ In addition, the ineffective PCR-test cannot establish that people did not pass asymptotically through an infection with SARS-CoV-2 already. The Plaintiffs and Class Members intend to present a thorough

record of expert scientific evidence where it will be shown that the use of the Polymerase Chain Reaction test in order to track infection is highly questionable within the scientific community.

150. Furthermore, there will be credible scientific evidence put forward by the Plaintiffs and Class Members of the inherent risks associated with the mRNA vaccination program, the speed with which it was put to auction, and long-term effects of the associated risks. The Covid vaccines are mRNA vaccines. mRNA has never been used as a vaccine. No mRNA sequence has ever been licensed for human use before. In essence, we have absolutely no

¹⁰⁴ Council for International Organizations of Medical Sciences (CIOMS) and the World Health Organization. International ethical guidelines for biomedical research involving human subjects. Geneva: CIOMS; 2002. Julie Samuël, Gene Therapy, section VI in book

¹⁰⁵ *Ibid.*

¹⁰⁶ <https://www.clinicaltrials.gov/BioNTech-Pfizer>.

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idea what to expect from this material that is being sold to the public as “vaccine”. The duty that the manufacturers owe to the regulatory bodies and the public that the vaccines will be safe and effective is simply lacking.

151. The Plaintiffs and Class Members submit that it is important to understand that traditional vaccines simply introduce pieces of a virus to stimulate an immune reaction. The new mRNA vaccine is completely different. It actually injects (transfects) molecules of synthetic genetic material from non-human sources into our cells. Once in the cells, the genetic material interacts with our transfer RNA (tRNA) to make a foreign protein that supposedly teaches the body to destroy the virus being coded for. Most recently, studies by Zhang L et al., published on 13 December 2020, have provided evidence that the SARS CoV-2 genome transcended into the human body had been triggered a human body

response of integrating the SARS-CoV-2 genome into the human DNA sequences. But not only that, further observations have shown that these new SARS-CoV-2 genome/human DNA complexes will facilitate the reproduction of chimere mRNA by copying from the unnatural integrated SARS-CoV-2 genome/DNA construct. Studies as early as 2003, have shown that this will likely be facilitated in testicles ad ovaries among other organs. Therefore, clear evidence for the manipulation and mutation of the human genome could already be established.¹⁰⁷

152. The Plaintiffs and Class Members submit that forcing people to accept a transvection with mRNA material that will change their genome is ultimately, constituting a government imposed eugenic program. The mRNA molecule is vulnerable to destruction. So, in order to protect the fragile mRNA strands while they are being inserted into our DNA they are

¹⁰⁷ Zhang L, *et al*, 2020bioRxiv; <https://doi.org/10.1101/2020.12.12.422516>.

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coated with PEGylated lipid nanoparticles. This coating hides the mRNA from our immune system which ordinarily would kill any foreign material injected into the body. PEGylated lipid nanoparticles have been shown to trigger their own immune reactions, and to cause damage to the liver.¹⁰⁸

153. Furthermore, since viruses mutate frequently, the chance of any vaccine working for more than a year is unlikely. That is why the flu vaccine changes every year. As of 13 December 2020, the GISAID (Global Initiative for Sharing Influenza Virus Data)¹⁰⁹ has already registered 3,422 variations of the SARS-CoV-2. We are now into the 11th month of the SARS-CoV-2 virus epidemic. Implying to the Canadian public that the vaccine

developed without using isolated and cultured virus material will protect them from the current virus and its new strands is simply fraudulent. In addition, absolutely no long term safety studies will have been done to ensure that any of these vaccines won't cause the cancer, seizures, heart disease, allergies, and autoimmune diseases seen with other vaccines.

154. The Plaintiffs and Class Members submit that the aforementioned scientific analysis is necessary and has yet to be given meaningful discussion despite the momentum to rollout untested inoculations.

155. The Plaintiffs and Class Members submit that although there are a number of serious legal issues surrounding the urgency of the vaccine rollout, the biggest concern for the general public is the corresponding lack of meaningful and informed consent. It is trite to suggest that people require fully informed consent when it comes to undertaking an experimental inoculation program. Accordingly, the principle of informed consent, as established first during the Doctors' Trial at Nuremberg, includes the fundamental right and freedom of

¹⁰⁸ *Ibid.*

¹⁰⁹ <https://www.gisaid.org/>.

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declaring informed dissent to a medical procedure or such treatments affecting the health or bodily integrity of the patient. The Plaintiffs and Class Members submit that informed consent is one of those fundamental rights and freedoms that underscore the democratic colonial system on which Canada is built.

156. Evidence will be put before this Honorable Court bringing into direct question ethical concerns that remain outstanding in terms of the key players in the World Health Organization, such as its' Director, Tedros Adhanom Ghebreyesus who was accused

before the International Criminal Court, of being one of three officials who were in charge of the security services between 2013 and 2015, wherein the “killing” and “torturing” of Ethiopians took place. Tedros was appointed as Director of the World Health Organization in 2017. The World Health Organization and UNICEF are implicated in the fraudulent mass sterilization that occurred after the 2014 tetanus vaccination campaign was undertaken in Kenya.¹¹⁰

157. To build the confidence of a public to such a degree that the “believe in science” stamp suffices to relinquish a duty to disclose and undertake proper standards and testing in which to develop and distribute a vaccination, seems contrary the fundamental rights that permeate the English common law and customary international law.

158. The Plaintiffs and Class Members submit that any inquiry into the principles of fundamental rights and freedoms is informed, not only by Canadian experience and jurisprudence, but also by international law, including the principle of “*jus cogens*.”¹¹¹ With customary international law, there is a subset of norms known as *jus cogens*, or peremptory norms, which have been accepted and recognized by the international

¹¹⁰ Official Website: <https://www.afro.who.int/news/statement-who-and-unicef-tetanus-vaccine-kenya>

¹¹¹ *Newsun*, at *supra* note 28 paras 81-83.

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community of States as a whole from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character. Peremptory norms have also been accepted as fundamental to the international legal order.¹¹² This takes into account Canada’s international obligations to protect and uphold fundamental rights and freedoms that have been enshrined in various sources of

international human rights law – declarations, covenants, conventions, judicial and quasi-judicial decisions of international tribunals and customary norms. The Plaintiffs and Class Members state that crimes against humanity and genocide have been accepted as peremptory norms within the international legal community.¹¹³

159. The Plaintiffs and Class Members submit that this Honourable Court has a duty to intervene when a crime against humanity or genocide has occurred or is about to occur. It is asked by the Plaintiffs and Class Members that the seriousness of the scientific concerns available to this Court be given equal footing sufficient enough to undertake meaningful discussion on the dangers and risks associated with modern mass inoculation campaigns; to which there are a number of examples and the World Health Organization facilitates them all.¹¹⁴

160. Furthermore, pursuant to Section 5(2) of the *Crimes Against Humanity and War Crimes Act*, a ‘superior’ commits an indictable offence if,

- (a) the superior
 - (i) fails to exercise control properly over a person under their effective authority and control, and as a result the person commits an offence under section 4, or

¹¹² *Ibid* at para 84.

¹¹³ Nuremberg Military Trials (IMT Subsequent Trials aka NMTs) Eugenics, genocidal policies, “Doctors’ Trial”, Convention on Genocide – United Nations, U.N. Declaration on the Rights of Indigenous Peoples, Crimes Against Humanity and War Crimes Act, Criminal Code of Canada – genocide is defined.

¹¹⁴ <https://www.justice.gov/opa/pr/justice-department-announces-largest-health-care-fraud-settlement-its-history> Mass inoculation for tetanus by the WHO raised alarm bells when it was discovered it was laced with a sterility drug

- (ii) fails, after the coming into force of this section, to exercise control properly over a person under their effective authority and control, and as a result the person commits an offence under section 6;
- (b) the superior knows that the person is about to commit or is committing

such an offence, or consciously disregards information that clearly indicates that such an offence is about to be committed or is being committed by the person;

(c) the offence relates to activities for which the superior has effective authority and control; and

(d) the superior subsequently

(i) fails to take, as soon as practicable, all necessary and reasonable measures within their power to prevent or repress the commission of the offence, or the further commission of offences under section 4 or 6, or

(ii) fails to take, as soon as practicable, all necessary and reasonable measures within their power to submit the matter to the competent authorities for investigation and prosecution.

superior means a person in authority, other than a military commander

161. The Plaintiffs and Class Members submit that if the Federal, Provincial or Municipal Governments, are immune from prosecution in any capacity, individual member(s) of the Government can be held responsible and liable within their roles as ‘superiors’ for the harms associated with the Covid-19 emergency response and vaccine rollout. Such persons within Canada would include, but are not limited to,

- i. Justin Trudeau
- ii. Dr. Theresa Tam
- iii. Doug Ford
- iv. Christine Elliott

162. The Plaintiffs and Class Members submit that the Government, or member(s) therein, are liable for knowingly and willfully advancing, promoting, adopting and manufacturing Covid-19 protocols, task force response plans and medical protocols which violate terms and provisions of the *Crimes Against Humanity and War Crimes Act*, (S.C. 2000, c. 24) under the rubric of a state of emergency that is both unconstitutional and unlawful. As the Governments, or member(s) therein, continue to undertake the mass vaccination rollout on

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an urgent basis, the actions and consequences bare redress. As casualties and harms begin

to accumulate the question of wilful blindness comes further into the light lending a stronger duty to this Honourable Court to intervene.

163. The Plaintiffs and Class Members state that since March 3, 2020, the conditions imposed on the Canadian public since the onslaught of the Covid-19 virus, also fit the second definition of genocide wherein, the United Nations convention on genocide states: “Imposing conditions of life designed to cause mental or physical harm.” In this instance, the Plaintiffs and Class Members submit that the emergency protocols, which have literally extended beyond the point of emergency, are without foundation and due process resulting in arbitrary conditions of life designed to cause mental and physical harm.

164. Furthermore, the Plaintiffs and Class Members state that the crime of apartheid is found in the protocols and regulations adopted by the Federal, Provincial and Municipal Governments, or member(s) therein. The crime of apartheid is defined as inhumane acts imposed on a people committed in the context of an institutionalize regime of systemic oppression and domination by one group over any other group and committed with the intention of maintaining that regime. The Plaintiffs and Class Members ask this Honourable to consider the application of the crime of apartheid as it relates to the imposition of the Covid-19 protocols through, restrictions, privileges and exemptions.

HARMS

165. The Plaintiffs and Class Members submit that as a result of the aforementioned wrongdoings, there are a number of associated harms. It is important to note that the harms are ongoing as the Covid-19 protocols remain in place and the vaccination rollout has just

begun. By ease of reference, the Plaintiffs and Class Members have divided the harms into inherent harms and actual harms.

COMMON ISSUES BETWEEN CLASS MEMBERS – *Inherent Harms*

166. A feature of egalitarian societies is that the powerful cannot have more rights than the commoner. Democracy rests on the guiding principle of the responsible, self-determined individual. Imposing measures that suppress individual decision-making process and instead, attempt to manipulate the public by implementing anxiety and horror-driven scenarios to cause Canadians to think, decide and live in a certain way, undermines the basic democratic principles upon which the Canadian society has been thriving in pre Covid-19 times.
167. In this instance, the Plaintiffs and Class Members have defined ‘inherent harms’ as harms stemming directly from the Federal and Provincial Government, or member(s) therein, acting unilaterally in response to the recommendation to declare a pandemic by the World Health Organization without consideration of lawful authority and due process.
168. This usurpation of power poses a real threat to the Constitutional order in Canada. We are in a state of a Constitutional crisis. To not intervene would undermine the legal, political and social system in Canada permanently. The courts remain the necessary arbiter of these highly unprecedented processes wherein the usurpation of power by non-elected multinational corporations and international institutions have no legal function within the Constitutional framework of Canada, and the overreach of the Federal, Provincial and Municipal Governments, or member(s) therein, who are acting upon them.
169. The Federal and Provincial Government, or member(s) therein, continue to legislate based on the recommendations and guidelines of the World Health Organization and its

As a result, the Canadian public is experiencing mass and indiscriminate containment of citizens restricting access to our economy, courts, parliament and livelihoods, medical and therapeutic care, along with the imposition of physical distancing and other restrictions and measures that have never before been implemented nor tested, nor have a clear and tested scientific or medical basis. It's simply unprecedented.

170. The Plaintiffs and Class Members append as Schedule 'A' an open letter to the Federal Bureau of Investigation, copied to the Canadian Security Intelligence Service, entitled "The Chinese Communist Party's Global Lockdown Fraud: request for expedited federal investigation into scientific fraud in COVID-19 public health policies." This letter opens with the following paragraph;

We are writing this letter to request that a federal investigation be commenced and/or expedited regarding the scientific debate on major policy decisions during the COVID-19 crisis. In the course of our work, we have identified issues of a potentially criminal nature and believe this investigation necessary to ensure the interests of the public have been properly represented by those promoting certain pandemic policies.
[...]

This letter is meant to call the attention of federal authorities in Australia, Canada, Germany, the United Kingdom, and the United States (the "Nations") to multiple points of evidence about the origin and historical precedent of lockdowns; the scientific literature and debate behind them; the provenance and quality of predominant COVID-19 testing protocols and models; the motivations, biases, and qualifications of certain prominent lockdown supporters; and the source of public-facing communications surrounding these policies.¹¹⁵

This letter set out clearly and concisely the inherent harms, and apparent agenda, that are being forced onto the Canadian public without authority and due process.

171. Based on the forgoing, the Plaintiffs and Class Members submit that there are a number of inherent harms that have arisen by the unilateral actions of our Governments, or member(s) therein, such as,

- a) the suspension of fundamental rights and freedoms,
- b) the loss of confidence in the government,
- c) inability to assert individual rights and concerns,
- d) loss of bodily autonomy, and
- e) the breakdown of communication between the Government and the people,

All of which touch on the very fabric of our democratic system and the fundamental rights and freedoms inherent therein. This breakdown of social cohesion will last as long as this usurpation of power remains unchecked.

172. The Plaintiffs and Class Members submit that this Honourable Court can no longer deny the significance nor the weight of the harms being inflicted on the Canadian public as we move deeper into this extremely sensitive area of control and governing. Oversight, due diligence, due process and public debate is the minimal requirement needed to mitigate the inherent harms associated with this unprecedented situation; to which currently there has been none. This leaves the responsibility with our Courts. Although undoubtedly daunting, the Plaintiffs and Class Members can assure you that bringing this claim was

no small step, however that does not make the discussion any less important or necessary in the face of the fundamental rights and freedoms at stake and the potential risk to the mind, body and health of the Canadian public which begs to be addressed in a fair and objective manner. The Plaintiffs and Class Members ask that this Honourable Court take that opportunity and begin this difficult discussion towards transparency and understanding.

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Specific Harms

173. The Plaintiffs and Class Members will provide a detailed analysis of the actual harms that have occurred, and continue to occur, by the wrongdoings set out in the claim for the full record in the proceedings. In the interim, the following specific harms can be identified. i. Stacy

Amikwabi, as a small business owner residing on the Henvey Inlet First Nation reserve in Ontario, the Plaintiff has incurred damages from the lockdown to his business and livelihood as the Band Council responded to the Covid-Protocols being promoted and advanced by the Federal and Provincial Governments, or member(s) therein;

ii. Shawn Brennan, as an entrepreneur with a young family, has incurred specific damages from the lockdown which have resulted in financial loss;

iii. George Fayad, as a small business owner in Ottawa, has incurred financial damages from the lockdown to his business and livelihood;

iv. Joshua Alas-Wilson, a young adult living with Williams Syndrome, has been adversely affected by the lockdown and covid-protocols. His doctor supported inability to wear a mask has impeded his quality and quantity of

life.

v. Alisa Tojcic, a single mom of three young children living in an apartment in downtown Toronto on social assistance with ongoing medical concerns, has been, and continues to be, adversely affected by the protocols and lockdown in Toronto.

vi. Jane Doe, represents women who have given birth, or will give birth, during the Covid-19 protocols and subsequent vaccination rollout. The harms

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associated with the protocols in this instance are associated with the risks to the health and welfare of the mother and child in light of the added physical and mental strain and stress of not having support present and a lack of informed consent or choice, based on unlawful protocols;

vii. John Doe, represents employees or employers who receive tickets from the Ministry of Labour for violating Covid-19 safety protocols on the job site such as not observing physical distancing or wearing face coverings. The monetary harm for contravention can reach \$100,000.

174. The Plaintiffs and Class Members submit that as the wrongdoings are ongoing, the associated harms continue to unfold and evolve as further recommendations and guidelines are unlawfully implemented. On that basis, the Plaintiffs and Class Members submit that the question of harms remain open until the wrongdoings have stopped and the harms can begin to be truly measured.

CAUSES OF ACTION

175. The Plaintiffs and Class Members state that the wrongdoings and harms outlined herein are

ongoing therefore there is an urgency to address the constitutional crisis outlined in this Class Action. In that regard, the Plaintiffs and Class Members advance the need for Interim Declaratory Relief on an urgent basis.

176. The Plaintiffs and Class Members will seek damages for breach of domestic torts such as negligence, breach of fiduciary duty, malfeasance in office, unlawful confinement, and conspiracy. The Plaintiffs and Class Members also seek damages for breaches of customary international law, prohibitions against crimes against humanity, cruel, inhuman or degrading behaviour, and torts of genocide and apartheid.

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177. The Plaintiffs and Class Members are prepared to provide more particulars regarding causes of action immediately after a hearing on the constitutional challenges.

178. The Plaintiffs and Class Members claim damages, pecuniary and non-pecuniary, exemplary, special and punitive damages for the breaches listed in this claim. The Plaintiffs and Class Members have been harmed by these wrongdoings and are entitled to compensation.

DAMAGES

179. The Plaintiffs and Class Members claim damages as set out in the claim. As the harms are ongoing, the Plaintiffs can only provide estimates of damages presently. The Plaintiffs and Class Members will provide more details after a hearing on the constitutional challenges.

CONCLUSION

180. The Plaintiffs and Class Members submit that it is imperative that this Honourable Court take this opportunity to look deeply at the relationships and agendas that appear to be in

the driver's seat of the Covid-19 global pandemic. These relationships have worked together for many years to create a complex web of smoke and mirrors causing confusion and diversion while more nefarious agendas appear to unfold in the background on the world stage. Although the answers may not be simple, that does not mean it isn't the time to begin to ask questions. To begin to connect dots and force the hard truths into the light.

181. The Plaintiffs and Class Members submit that the sobering words of Cardinal Raymond Leo Burke, of Wisconsin, U.S.A., a Cardinal of the Holy Roman Catholic Church, in

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delivering a sermon to the faithful on December 13th, 2020, echoes this need for further discussion, oversight and intervention:¹¹⁶

It is with a troubled and heavy heart that I address you at a time when our nation is going through a crisis which is an attack on our free and democratic institutions."

"... The worldwide spread of Marxist materialism which has already brought destruction and death to the lives of so many and which has threatened the foundations of our nation for decades and now seems to seize the governing power over our nation to attain economic gains so that we become dependent on the Chinese Communist Party an ideology totally opposed to Christian families ...

"Most alarming crisis ... the mysterious Wuhan virus whose nature and prevention the mass media gives us daily conflicting information ... then it is used by certain forces inimical to families and freedom of nations to advance their evil agenda."

"These forces tell us we are now subjects of the "Great Reset" the "New Normal" dictated to us by their manipulation of citizens and nations through ignorance and fear.

"The input of the crisis in the world and church are profound for all of us."

And finally

"Worldly forces would isolate us to have us believe we are alone and dependent on secular forces which would make us slaves to their Godless and murderous

agenda.”

182. The Plaintiffs and Class Members submit that their lawyers participate in a World Alliance with international lawyers, doctors and scientists who are expressing collective alarm and support in order to address the measures that have been adopted worldwide while being unsupported by lawful authority and due process. This World Alliance is available to assist this Honourable Court in addressing these highly sensitive and pressing issues.

¹¹⁶ <https://www.youtube.com/watch?v=fWENECMqRGU>.

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183. The Plaintiffs and Class Members are effecting service outside of Ontario pursuant to Rule 17.04(1) and rely on Rule 17.02(f), (g), (h), of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.

184. The Plaintiffs and Class Members propose that the matter be tried in Ottawa.

Date: January 11, 2021 **ELDERS WITHOUT BORDERS**
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File No./N° du dossier du greffe:

CV-21-00085478-00CP **SCHEDULE "A"**

The mystery of lockdown exposed. So many people now should stand in the Dock and face trial for acts against the worlds citizens.

The Chinese Communist Party's Global Lockdown Fraud

Request for expedited federal investigation into scientific fraud in COVID-19 public health policies



[The CCP's Global Lockdown Fraud](#)

To:

Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, D.C. 20535

CC:

U.K. Security Service (MI5);
Australian Security Intelligence Organisation;
Canadian Security Intelligence Service;
Bundesnachrichtendienst;
U.S. Department of Justice

From:

Michael P. Senger, Attorney
Stacey A. Rudin, Attorney
Dr. Clare Craig, FRCPATH
Retired Brig. Gen. Robert Spalding
Randy Hillier, MPP Lanark, Frontenac & Kingston

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Francis Hoar, Barrister at Law
Sanjeev Sabhlok, PhD
Brian O'Shea
Maajid Nawaz
Simon Dolan

This open letter is available for download in PDF format at [Scribd](#).



We are writing this letter to request that a federal investigation be commenced and/or expedited regarding the scientific debate on major policy decisions during the COVID-19 crisis. In the

course of our work, we have identified issues of a potentially criminal nature and believe this investigation necessary to ensure the interests of the public have been properly represented by those promoting certain pandemic policies.

During times of crisis, citizens naturally turn to the advice of those they perceive as experts. In early 2020, the public turned to the advice of scientific authorities when confronted with an apparent viral outbreak. Soon after, most nations followed the advice of prominent scientists and implemented restrictions commonly referred to as “lockdowns.” While the policies varied by jurisdiction, in general they involved restrictions on gatherings and movements and the closure of schools, businesses, and public places, inspired by those imposed by the Chinese Communist Party (CCP) in Hubei Province. The intervention of federal authorities with police power may be required to ensure that those who have promoted these lockdown policies have done so in good faith.

This letter is meant to call the attention of federal authorities in Australia, Canada, Germany, the United Kingdom, and the United States (the “Nations”) to multiple points of evidence about the origin and historical precedent of lockdowns; the scientific literature and debate behind them; the provenance and quality of predominant COVID-19 testing protocols and models; the motivations, biases, and qualifications of certain prominent lockdown supporters; and the source of public-facing communications surrounding these policies.

1. Lockdowns Originated on the Order of Xi Jinping, General Secretary of the Chinese Communist Party, and Were Propagated Into Global Policy by the World Health Organization With Little Analysis or Logic

Lockdown proponents have frequently justified their policies by comparing them to actions taken to combat the pandemic of Spanish influenza a century prior.[\[1\]](#) But a realistic examination of the mitigation efforts in response to Spanish influenza reveals that nothing remotely approximating lockdowns was ever imposed. In the words of Judge William S. Stickman, ruling in *Cnty. of Butler v. Wolf*,[\[2\]](#) citing the work of preeminent historians:

Although this nation [the United States] has faced many epidemics and pandemics and state and local governments have employed a variety of interventions in response, there have never previously been lockdowns of entire populations — much less for lengthy and indefinite periods of time...[\[3\]](#) While, unquestionably, states and local governments restricted certain activities for a limited period of time to mitigate the Spanish Flu, there is no record of any imposition of a population lockdown in response to that disease or any other in our history.

Not only are lockdowns historically unprecedented in response to any previous epidemic or pandemic in American history, but they are not so much as mentioned in recent guidance offered by the U.S. Centers for Disease Control and Prevention (“CDC”). Judge Stickman continues:

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Indeed, even for a ‘Very High Severity’ pandemic (defined as one comparable to the Spanish Flu), the guidelines provide only that ‘CDC recommends *voluntary* home isolation of ill persons,’ and ‘CDC might recommend *voluntary* home quarantine of exposed household members in areas where novel influenza circulates.’ *Id.* at 32, Table 10 (emphasis added). This is a far, far cry from a statewide lockdown...[\[4\]](#)

The fact is that the lockdowns imposed across the United States in early 2020 in response to the COVID-19 pandemic are unprecedented in the history of our Commonwealth and our Country. They have never been used in response to any other disease in our history. They were not recommendations made by the CDC. They were unheard of by the people [of] this nation until just this year. It appears as though the imposition of *lockdowns in Wuhan and other areas of China — a nation unconstrained by concern for civil liberties and constitutional norms — started a domino effect where one country, and state, after another imposed draconian and hitherto untried measures on their citizens.* (emphasis added)

Judge Stickman’s intuition regarding the real history of lockdowns is in line with the opinion of the foremost infectious disease scholars. Donald Henderson, the man widely credited with eradicating smallpox, wrote in 2006, “Experience has shown that communities faced with epidemics or other adverse events respond best and with the least anxiety when the normal social functioning of the community is least disrupted.”[\[5\]](#) To our knowledge, no scientist ever publicly supported imposing lockdowns until Xi Jinping, General Secretary of the Chinese Communist Party (CCP), personally authorized the “unprecedented lockdown of Wuhan and other cities beginning on Jan. 23.”[\[6\]](#)

General Secretary Xi is perhaps best known for the punishment of over one million CCP officials for “corruption,”[\[7\]](#) the elimination of term limits from China’s constitution,[\[8\]](#) and, of course, the reeducation and “*quarantine*”[\[9\]](#) of over one million Uyghur Muslims and other minorities “*infected with extremism*”[\[10\]](#) throughout the regions of Xinjiang and Tibet, pursuant to the CCP’s pet hybrid of public health and security policy: *fangkong* — the same policy that inspired Xi’s lockdown of Hubei province.[\[11\]](#) General Secretary Xi later affirmed that he had issued these instructions to the CCP’s Politburo Standing Committee on January 7, 2020,[\[12\]](#) but his instructions have never been revealed. Chinese business leader Ren Zhiqiang was sentenced to 18 years in prison[\[13\]](#) for an open letter in which he requested Xi’s instructions be made public.[\[14\]](#)

When the lockdown of Hubei province began, the World Health Organization (WHO)’s representative in China noted that “trying to contain a city of 11 million people is new to science... The lockdown of 11 million people is unprecedented in public health history...”[\[15\]](#) Human rights observers also expressed concerns.[\[16\]](#) But those concerns didn’t stop the WHO from effusively praising the CCP’s “*unprecedented*” response just days after the lockdown began, and long before it had produced any results: “The measures China has taken are good not only for that country but also for the rest of the world.”[\[17\]](#) WHO Director Tedros Adhanom added that he was personally “very impressed and encouraged by the president [Xi Jinping]’s

detailed knowledge of the outbreak” and the next day praised China for “setting a new standard for outbreak response.”[\[18\]](#)

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By February 2020, the CCP had begun reporting an exponential decline in COVID-19 cases. In its February report, the WHO waxed rhapsodic about China’s triumph:

General Secretary Xi Jinping personally directed and deployed the prevention and control work ... China’s *uncompromising* and *rigorous* use of non-pharmaceutical measures to contain transmission of the COVID-19 virus in multiple settings provides *vital lessons* for the global response”[\[19\]](#) (emphasis added).

Shortly thereafter, the WHO held a press conference during which Assistant Director-General Bruce Aylward — who later disconnected a live interview when asked to acknowledge Taiwan[\[20\]](#) — told the press: “What China has demonstrated is, *you have to do this*. If you do it, you can save lives and prevent thousands of cases of what is a very difficult disease.”[\[21\]](#) (emphasis added). Two days later, in an interview for China Central Television (CCTV), Aylward put it bluntly: “*Copy China’s response* to COVID-19.”[\[22\]](#) (emphasis added).

The WHO’s recommendations are notable for two reasons. First, the WHO’s conclusion in its February report that this “rather unique and unprecedented public health response in China reversed the escalating cases”[\[23\]](#) exemplifies the fallacy of *post hoc, ergo propter hoc*. While it was possible that a more “flat” curve in Wuhan could be attributed to the CCP’s lockdown, it was at least equally likely that Wuhan had simply witnessed the natural course of this “novel” pathogen. It should have been obvious that the mere issuance of a policy “unprecedented in public health history” did not automatically mean it was effective — especially given the WHO’s own 2019 guidance for pandemic influenza did not advise border closures, mass contact tracing, or quarantine even of “exposed individuals” under any circumstance.[\[24\]](#)

Furthermore, the WHO did not even consider other countries’ economic circumstances, demographics, or even their *number of COVID-19 cases* — which were very few in most of the world — before instructing the entire world that “you have to do this.”[\[25\]](#) This conclusion by the world’s foremost public health body was, at best, criminally negligent.[\[26\]](#)

Lockdowns are a Xi Jinping policy, and the significance of that fact cannot be overstated. The idea of locking down an entire state or country and forcibly shutting down its businesses and public places was never entertained, never discussed, and never implemented in any pandemic literature until it was done by General Secretary Xi in January 2020. Lockdowns were never tried before 2020 and never tested before 2020, even on a theoretical basis.[\[27\]](#) The idea of “lockdown” was brought into human history on the order of General Secretary Xi; it otherwise never would have entered the collective human imagination. Anytime anyone endorses a lockdown for any length of time, even a few minutes, they are endorsing a Xi Jinping policy. The remainder of this letter concerns *how* lockdowns were laundered into the world’s go-to pandemic policy.

2. The Most Influential Institution for Covid-19 Models, Self-Described as “China’s Best Academic Partner in the