**File No: \_\_\_\_\_\_\_\_\_**

**FEDERAL COURT**

**Between:**

**[NAME]**

**Plaintiff**

**AND**

**Her Majesty The Queen**

**Defendant**

**STATEMENT OF CLAIM**

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

**FACTS**

**1. The Plaintiff seeks a declaration that:**

**A) the CDSA prohibitions on marijuana have been invalid**

**absent a constitutional exemption since Aug. 1 2001, or in**

**the alternative,**

**B) provisioners of fresh cannabis marijuana juice and oil**

**products to licensed patients are exempted from the CDSA.**

**THE PARTIES**

**2. The Plaintiff seeks declaratory relief pursuant to**

**S.24(1) of the Charter of Rights and Freedoms as a patient**

**who suffers from [MEDICAL REASON] and has established medical**

**need by obtaining an exemption permit number [NUMBER]**

**to use marijuana for medical purposes but who still cannot**

**be lawfully provisioned with cannabis juice or oil for**

**treatment.**

**3. The Defendant, Her Majesty the Queen in Right of**

**Canada, as represented by the Attorney General of Canada,**

**is named as the representative of the Federal Government**

**of Canada and the Minister of Health for Canada who is**

**the Minister responsible for Health Canada and certain**

**aspects of the Controlled Drugs and Substances Act**

**including the Narcotic Control Regulations, the Marihuana**

**Medical Access Regulations and program and the Marihuana**

**for Medical Purposes Regulations and program.**

**BACKGROUND**

**4. The Supreme Court of Canada in R. v. Smith [2015] ruled**

**the prohibition on "non-dried" forms of cannabis marijuana**

**violated the Plaintiff's S.7 Charter Rights thus legalizing**

**Plaintiff's use of fresh juice and oil products for medical**

**purposes.**

**5. On Feb 24 2016, the decision in Allard v. HMQ [2016]**

**declared the MMPR Regime entirely unconstitutional, such**

**declaration suspended 6 months before taking effect.**

**6. Though the Supreme Court has declared Plaintiff's right**

**to various cannabis oil products or fresh juice, they remain**

**legally unprovisionable evidenced by recent raids on Toronto**

**cannabis dispensaries.**

**7. With no other reasonable source of provision, Plaintiff's**

**Supreme Court-declared Charter right to use fresh juice and**

**oil products is illusory. Having the right to other forms**

**but not being able to get any is analogous to the Hitzig**

**decision pronouncing that having the right to marijuana but**

**not being to get enough supply made the then exemption**

**"illusory." For juice and oil we have no supply.**

**8. Pursuant to the R. v. Parker [2000] Order that the**

**prohibition is invalid absent a valid exemption, and the**

**Hitzig declaration of absent exemption meant the prohibition**

**was invalid and 4,000 charges were dropped across Canada**

**whether medically-needy or not, an illusory exemption herein**

**for other legal forms of ingestion makes for an absent**

**exemption during which the prohibition has once again been**

**invalid.**

**9. The Plaintiff proposes this action be tried at [TOWNOFCOURTHOUSE] in the Province of [YOURS].**

**Dated at [COURTHOUSETOWN] on [DATE] 2016.**

**[SIGNATURE]**

**[INFO]**

**File No: \_\_\_\_\_\_\_\_\_\_**

**FEDERAL COURT**

**BETWEEN:**

**[NAME]**

**Plaintiff**

**and**

**Her Majesty The Queen**

**Defendant**

**STATEMENT OF CLAIM**

**(Pursuant to S.48 of**

**the Federal Court Act)**

**For the Plaintiff:**

**[INFO]**