

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 [COURTHOUSEDTOWN] on [DATE] 2016.

[SIGNATURE]

[INFO]

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For the Plaintiff:

[INFO]