

FEDERAL COURT

BETWEEN:

\_\_\_\_\_

Plaintiff

and

HER MAJESTY THE QUEEN

Respondent

RECORD OF MOTION

1. Notice of Motion
2. Plaintiff's Affidavit
3. Plaintiff's Memorandum

For the Plaintiff:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Tel/fax: \_\_\_\_\_

Email: \_\_\_\_\_

For the Respondent:

Attorney General for Canada

FEDERAL COURT

BETWEEN:

\_\_\_\_\_

Plaintiff

and

HER MAJESTY THE QUEEN

Respondent

NOTICE OF MOTION

TAKE NOTICE THAT on \_\_\_\_\_ at \_\_\_\_\_ am or as soon thereafter as can be heard the Plaintiff's urgent short notice telephonic motion to the Federal Court.

THE MOTION SEEKS leave if necessary to apply for an interim constitutional exemption from the prohibitions on marihuana in the CDSA for the Plaintiff's Personal Medical Use ("PMU") pending trial of the Action based sufficient evidence of medical need.

THE GROUNDS ARE THAT the Appellant's Right to Life will be infringed upon if Appellant's motion an Interim Constitutional Exemption for Personal Medical Use is denied.

AND FOR ANY ORDER abridging any time for service or amending any error or omission which this Honourable Court may allow.

Dated \_\_\_\_\_ on \_\_\_\_\_ 2014.

\_\_\_\_\_  
Plaintiff:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Tel/fax: \_\_\_\_\_

Email: \_\_\_\_\_

TO: Registrar of this Court  
Attorney General for Canada

File No: T- \_\_\_\_\_

FEDERAL COURT

BETWEEN:

\_\_\_\_\_

Plaintiff

and

HER MAJESTY THE QUEEN

Respondent

NOTICE OF MOTION

For the Plaintiff:

Name: \_\_\_\_\_

FEDERAL COURT

BETWEEN:

\_\_\_\_\_

Plaintiff

and

HER MAJESTY THE QUEEN

Respondent

PLAINTIFF'S AFFIDAVIT

I, \_\_\_\_\_, residing at \_\_\_\_\_  
make oath as follows:

1. I am one of numerous Canadians asking Federal Court for a constitutional exemption to use cannabis for Personal Medical Use and wish to use cannabis marijuana for the medical purpose checked:

[ ] to prevent illness it's good for before getting it; or  
[ ] to alleviate suffering from the following illnesses for which I have medical documentation or medical permits; and for the chemical drugs I have been prescribed which have proven to be not as effective as cannabis for my particular treatment:

Illness:

Drug Treatment:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. How the MMAR/MMPR impact my health and right to life with exhibits of diagnoses and precriptions:

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3. If applicable, the names of physicians who refused Affiant the requested cannabis treatment with no contra-indications for its use and their non-medical reasons:

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4. If applicable, I possess this exemption authorization:

Authorization To Possess # \_\_\_\_\_

Grams/day: \_\_\_\_\_ Plant limit: \_\_\_\_\_ Storage limit: \_\_\_\_\_

5. I claimed damages to compensate for the loss of:

Stored Grams: \_\_\_\_\_ @ \$15/gram or less = \$ \_\_\_\_\_

Plants: \_\_\_\_\_ @ \$1,000/plant or less = \$ \_\_\_\_\_

Gr/day: \_\_\_\_\_ x 365 x \$15 x \_\_\_\_\_ Yrs to 90 = \$ \_\_\_\_\_

Gr/day: \_\_\_\_\_ x \_\_\_\_\_ days since down x \$15 = \$ \_\_\_\_\_

Production site investment = \$ \_\_\_\_\_

Total: = \$ \_\_\_\_\_

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6. Despite cannabis having no Drug Identification Number for financial support, I can afford to have my own medication produced using my own resources rather than that of a Licensed Producer; without paying any taxes. I can not afford a taxing Licensed Producer growing my medication for me.



7. With my Statement of Claim detailing 26 distinct torts suffered under the MMAR-MMPR regimes, this Affidavit is made in support of a motion for an interim constitutional exemption from the prohibitions on marihuana in the CDSA for the Plaintiff's Personal Medical Use pending trial of the Action.

Sworn before me at \_\_\_\_\_ on \_\_\_\_\_ 2014.

\_\_\_\_\_

Plaintiff:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Tel/fax: \_\_\_\_\_

Email: \_\_\_\_\_

\_\_\_\_\_

A COMMISSIONER, ETC.

File No: T-\_\_\_\_\_

FEDERAL COURT

BETWEEN:

\_\_\_\_\_  
Plaintiff

and

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Respondent

PLAINTIFF'S AFFIDAVIT

For the Plaintiff:

Name: \_\_\_\_\_

FEDERAL COURT

BETWEEN:

\_\_\_\_\_

Plaintiff

and

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PLAINTIFF'S MEMORANDUM

PART I - STATEMENT OF FACTS

1. The Plaintiff, as have others claiming declaratory and financial relief for violations of rights under S. 7 of the Charter, seeks an Order:

A1) that the Medical Marihuana Access Regulations (MMAR) that came into force on Jul 30 2001 and the Marihuana for Medical Purposes Regulations (MMPR) that came into force on June 19, 2013, (and run concurrently with the MMAR until March 31, 2014 when the MMAR will be repealed by the MMPR) are unconstitutional and not saved by S.1 of the Charter in that the s. 7 Charter constitutional right of a medically needy patient to reasonable access to his/her medicine by way of a safe and continuous supply consistent with the S.7 Charter right is unreasonably restricted by the impediments to access and/or supply in the MMAR and/or MMPR;

A2) And that, "absent a constitutionally acceptable medical exemption," the prohibitions on marihuana in the Controlled Drugs and Substances Act (CDSA) are invalid and the word "marijuana" be struck from Schedule II of the CDSA.

B) In the alternative, pursuant to S.24(1) of the Charter, for a permanent Personal Exemption from prohibitions in the CDSA on marihuana for the Plaintiff's Personal Medical Use.

C) Or, alternatively, damages for loss of patient's marihuana, plants and production site and future financial needs.

2. This motion is for an interim constitutional exemption for Personal Medical Use pending trial of the action is based on sufficient medical evidence.

3. In the Affidavit of John Turmel, expert witness in Mathematics of Gambling, in T-488-14, he explains how the 150 gram limit on personal possession and shipments imposed in the MMPR was based on false or non-existent peer-reviewed surveys that suggested no such thing and end up under-medicating the whole class by a factor of 9, thus inflicting on the group conditions of life calculated (8/9) to bring about it's physical destruction in violation of S.318(2) of the Criminal Code of Canada.

4. Plaintiff's Statement of Claim details the life-threatening torts suffered by Plaintiff under the MMAR-MMPR regimes:

BOTH 1) Require recalcitrant doctor;

BOTH 2) Not provide DIN (Drug Identification Number);

BOTH 3) Require annual renewals for permanent diseases;

BOTH 4) Require unused cannabis to be destroyed;

BOTH 5) Refusal or cancellation for non-medical reasons;

BOTH 6) Health Canada feedback to doctors on dosages;  
BOTH 7) Not provide instantaneous online processing;  
BOTH 8) Not have resources to handle large demand;  
BOTH 10) Not exempt from CDSA S.5.;

MMPR 11) ATP valid solely as "medical document";  
MMPR 12) Licensed Producer may cancel for "business reason";  
MMPR 13) Prohibit return of medical document to cancellee;  
MMPR 16) Not protect rights to brand genetics;  
MMPR 17) Not remove financial barriers;  
MMPR 18) Not provide central registry for police verification;  
MMPR 19) Not have enough Licensed Producers to supply demand;  
MMPR 20) Prohibit processing > 150 grams.

MMAR 11) Require a specialist consultation;  
MMAR 12) Require conventional treatments be inappropriate;  
MMAR 13) Prohibit more than 2 licenses/grower;  
MMAR 14) Prohibit more than 4 licenses/site;  
MMAR 15) Number of plants limit improper;  
MMAR 16) Not allow any gardening help.

## PART II - POINT OF ISSUE

5. A) Does the the MMPR's 150-gram limit that under-medicates by a factor of 9 inflict on the group conditions of life calculated to bring about its physical destruction sufficient reason for interim relief?

6. B) Does eliminating access through self-production for whom the MMPR is unaffordable sufficient reason for interim relief?

7. C) Is "for Personal Medical Use" sufficient limitation for exemption from CDSA.

PART III - SUBMISSIONS

A) 8. Plaintiff seeks to have the MMPR declared invalid because of the many fatal deficiencies to the point the regime is so full of holes, it is in effect invalidated.

9. It is brought to the Court's attention that there was a genocidal under-medication of a whole class of patients when the under-evaluated limit of 150-grams for possession took effect on April 1 2014. No April Fool's joke!

10. Health Canada have inflicted on the group conditions of life calculated to bring about its physical destruction. Cancers that had been cut in half are now no longer shrinking. To cut off anti-tumor medication, what other result could the Court expect? Plaintiff submits that the fraudulent surveys and perjured testimony used as basis for the 150-gram limit warrant the expeditious attention of the Court.

11. Given this question of genocide, and given the Ministry of Justice has been apprised of it and its genocidal consequences for the past few months, cancers no longer getting shrunk for non-medical bureaucratic reasons, to study the statistics of the fraud and genocide, Plaintiff's only hope is for a constitutional exemption from the CDSA for Personal Medical Use.

12. B) It is submitted the regime has prohibited the whole of the population who cannot afford Health Canada's retail prices from being able to self-produce at affordable prices and only an exemption for Personal Medical Use is suitable remedy.

13. C) It is submitted that for "Personal Medical Use" is a reasonable limitation on such interim exemption.

PART IV - ORDER SOUGHT

14. For these and other constitutional violations alleged in the Statement of Claim, Plaintiff seeks an Order for an interim constitutional exemption from the CDSA prohibitions on marihuana for Plaintiff's Personal Medical Use pending trial of the Action.

Dated at \_\_\_\_\_ on \_\_\_\_\_ 2014.

\_\_\_\_\_  
Plaintiff:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Tel/fax: \_\_\_\_\_  
Email: \_\_\_\_\_

TO: Registrar of this Court  
Attorney General for Canada

**AUTHORITIES**

No Authorities relied on

**REGULATIONS CITED**

No regulations cited.

File No: T- \_\_\_\_\_

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For the Plaintiff:

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