

COVID-19 Measures Unconstitutional: Legal Proceeding against Prime Minister Trudeau: Filed in Ontario Superior Court

Complete Text of "Statement of Claim"

By [Ted Kuntz](#)

Global Research, August 27, 2020

[Vaccine Choice Canada](#) 8 July 2020

Region: [Canada](#)

Theme: [Law and Justice](#), [Science and Medicine](#)

We are living in unprecedented times. The mass and indiscriminate containment of citizens, the restriction of access to parliament, the courts, medical and educational services, the destruction of local economies and livelihoods, and the requirement to physically distance, along with the forced use of non-medical masking are extraordinary measures that have never before been imposed on the citizens of Canada.

The impact of these aberrant measures on our physical, emotional, psychological, social and economic well-being is profoundly destructive and these actions are unsustainable, unwarranted, extreme and unconstitutional.

During times of emergency, Constitutional rights do not stop being important. They become even more important.

Vaccine Choice Canada has made numerous formal requests of the Government of Canada and various provincial governments to provide evidence that justifies the declaration of an emergency, the imposition of unscientific and unwarranted measures, and the violations of our Charter rights and freedoms, to no avail.

An over-hyped COVID-19 pandemic narrative is being utilized to create unnecessary panic and to justify the systemic violation of the rights and freedoms that form the basis of our society, including our Constitutional rights, sovereignty, privacy, rule of law, financial security, and even our very democracy.

Many recognized global health and research experts have offered their severe and valid criticism of government overreach and the draconian and unjustifiable measures taken in response to COVID-19. The warning bells are being rung about the dire consequences of these unwarranted, irresponsible, and extreme actions that are in violation of the rights and freedoms well established in Canadian and international law. All this continues to fall on the deaf ears of governments.


On Monday, July 6, 2020, **Vaccine Choice Canada** formally filed legal action in the Ontario Superior Court to hold multiple parties accountable for their actions with respect to COVID-19 measures. The defendants include: the Government of Canada, the Government of Ontario, the Municipality of Toronto, various public health officers, the Canadian Broadcasting Corporation, among others. **Vaccine Choice Canada** has a long history and

enviable reputation of advocating for and defending the rights and freedoms of Canadians when it comes to public and individual health.

A copy of the issued statement of claim will be available on our website: www.vaccinechoiccanada.com following the press conference. Any questions with respect to the claim are to be addressed to our legal counsel, Mr. Rocco Galati at 416-530-9684.

Statement of Claim

Court File No./N° du dossier du greffe: CV-20-00643451-0000



Electronically issued
Déposé par voie électronique
Toronto 06-Ju-2020

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

Vaccine Choice Canada (VCC) [REDACTED]
[REDACTED] and Denis RANCOURT

Plaintiffs

-and-

Justin TRUDEAU, Prime Minister of Canada, Dr. Theresa TAM, Chief Medical Officer for Canada, Marc GARNEAU, Canadian Transport Minister, Doug FORD, Premier of Ontario, Christine ELLIOT, Minister of Health and Long-Term Care for Ontario, Stephen LECCE, Minister of Education for Ontario, Dr. David WILLIAMS, Ontario Chief Medical Officer, CITY OF TORONTO, John TORY, Mayor City of Toronto, Dr. Eileen DE VILLA, Toronto Chief Medical Officer, The County of WELLINGTON-DUFFERIN-GUELPH ("CWDG"), Nicola MERCER (Chief) Medical officer for CWDG, WINDSOR-ESSEX COUNTY, Dr. Wajid AHMED (Chief) Medical Officer for Windsor-Essex County, Her Majesty the Queen in Right of Canada, Her Majesty the Queen in Right of Ontario, Attorney General of Canada, Attorney General of Ontario, The Canadian Broadcasting Corporation ("CBC"), Johns and James DOE, officials and employees of the above-noted Defendants

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the 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

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a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in 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 of 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: , 2020 Issued by:

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393 University
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M5G 1E6

TO: Attorney General of Canada
Department of Justice Canada
Ontario Regional Office
120 Adelaide Street West Suite #400
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AND TO: The Attorney General for Ontario
Crown Law office, Constitutional Law Branch
720 Bay St.
Toronto, Ontario
M7A 2S9
Tel: 416-326-4460
Fax: 416-326-401

AND TO: John Tory and City of Toronto,
City Solicitor's office, City of Toronto
100 Queen Street, W
Toronto, Ontario
M5H 2N2

AND TO: Dr Wajid Ahmed Medical Officer of Health
Windsor- Essex County Health Unit
Address: 1005 Oullette Ave Windsor ON N9A 4J8
Phone: 519-258-2146
Fax: 519-258-6003
Email: crd@wechu.org

AND TO: Dr Nicola Mercer Medical Officer of Health
WDG Health Unit
Address: 160 Chancellors Way Guelph ON N1G 0E1
Phone: 519-822-2715
Fax: 519-836-7215
Email: info@wdgpublichealth.ca

CLAIM

- I. As against the Crown and Municipal Defendants the Plaintiffs claim:
 - a) A Declaration that the “COVID Measures” undertaken and orchestrated by Prime Minister Trudeau (“Trudeau”), and the Federal Crown, constitute a constitutional violation of “dispensing with Parliament, under the pretense of Royal Prerogative”, contrary to the **English Bill of Rights (1689)** as read into our unwritten constitutional rights through the Pre-Amble of **the Constitution Act,1867**, emanating from the unwritten constitutional principles of Rule of Law, Constitutionalism and Democracy, as enunciated by the Supreme Court of Canada in, **inter alia**, **Quebec Secession Reference**;
 - b) A Declaration that:
 - (i) s. 7.0.1 through s.70.11 of the **Emergency Management and Civil Protection Act**, RSO 1990.C.e.9 (the “Act”), and in particular vesting an indefinite emergency power in the Premier and Lt.-Governor, and further that the “COVID Measures”, undertaken and orchestrated by Premier Doug FORD (“Ford”) and the Provincial Crown, constitute a constitutional violation of “dispensing with Parliament, under the pretense of Royal Prerogative”, contrary to the **English Bill of Rights (1689)** as read into our unwritten constitutional rights through the Pre-Amble of **the Constitution Act,1867**, emanating from the unwritten constitutional principles of Rule of Law, Constitutionalism and

Democracy, as enunciated by the Supreme Court of Canada in,
inter alia, **Quebec Secession Reference**;

- (ii) A further Declaration that the “emergency”, COVID-19
“pandemic” declaration issued by Ontario, did not, and does not,
meet the statutory requisite criteria set out in s.7.0.1(3) of that **Act**,
and is in further contravention of s. 7.0.2(1) and (3) of that **Act**
and that the declaration of emergency, and its extensions, be
declared **ultra vires** the **Act**;
- c) A Declaration that the COVID Measures taken by both Trudeau and
Ford, and their respective governments, at the blind and unquestioned
dictates of the World Health Organization (“WHO”) bureaucrats,
constitute a constitutional violation of the abdication of the duty to govern,
as enunciated in, **inter alia**, the **Re Gray and Canada (Wheat Board) v.**
Hallett and Carey Ltd. decisions of the Supreme Court of Canada;
- d) A Declaration that the COVID Measures undertaken by Trudeau, and his
officials, violate ss. 2, 7, 8, 9, and 15 of the **Charter**, specifically the
measures:
 - (i) “self isolation”;
 - (ii) “social distancing”;
 - (iii) the compulsory wearing of face masks;
 - (iv) arbitrary and unjustified closure of businesses;

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