

ACMPR PERMIT DELAY FEDERAL COURT FORMS

“Patients take feds to court over backlog in pot homegrow permits”

Kyle Duggan ipolitics.ca April 4 2018

“Over damages due to short-staffing” explained in VIDEO <https://youtu.be/vB4aqjEyaQM>

Over 125 Patients have filed this do-it-yourself \$2 Federal Court Statement of Claim form. Jeff Harris was designated Lead Plaintiff to make arguments for the whole group. The Claim is for:

A) a declaration that the long ACMPR processing time violates the patient's S.7 Charter Rights and damages in the amount of the value of the Applicant's prescription and lost site rent and expenses during any delay which the Court finds inappropriate, and
B) a declaration that less than full-term prescription by back-dating the period of Authorization from Date of Issuance to Date the doctor signed violates the patient's S.7 Charter Rights. Plaintiffs seek the full term of the prescription to take effect on the Effective Date like the Health Card, Driver's License and MMAR. Two 1-year prescriptions should get 24 months registration.

In 2017, ACMPR grow permits went from 20,000 in June to over 90,000 in December, 70,000 permits in 6 months. 350% more permits handled by 75% more staff. So processing delays went through the roof taking 6 months, 8 months, even 11 months for Igor Mozajko. With the MMAR, it took under 4 weeks for registrations; 2 weeks for renewals. As recently as March 7, Nathan Salandy was told it would take 26 weeks for his permit. On March 14 he filed a Statement of Claim. On March 22 he filed his Motion to see the judge. On April 3, his permit was issued, in under 8 weeks, not 26!

Under the MMAR, your permit started when issued. Under the ACMPR, it's not from Effective Date but back-dated to the date the doctor signed, subtracting the time to process the permit from the term. So patients never get a full term.

STATEMENT OF CLAIM FOR DAMAGES

<http://johnturmel.com/delsc.pdf> is the Statement of Claim used if

you can amend a PDF or want to print and fill it out by pen on paper.

<http://johnturmel.com/delsc.docx> is used if you can't. Word and Macs.

1) Sign on a blank page. Scan. Select your signature and save it to jpg.

2) Add your personal info to the delsc.docx file and insert your signature jpg. 3) Save as delsc.pdf. Once completed, you can:

a) bring 4 copies to the Registry, pay \$2, get your T-File number and a certified Gold Star copy,

b) mail 3 copies to nearest Registry. Always ask for a certified copy.

<http://www.cas-satj.gc.ca/en/operations/locations.shtml>

c) file with the online efilings system.

VIDEO on how to file: <https://youtu.be/OynzTV2MAyQ>

Registry then calls to ask for \$2 fee by credit card and then Registry serves Statement of Claim on the Crown. You do nothing else. Lead Plaintiff does.

MOTION FOR IMMEDIATE PERMIT FROM JUDGE

With a T-File number, you can also file a motion to see a judge for immediate interim relief. So far, like Nathan Salandy, Health Canada had to hop-to-it to issue the permit for over 20 Plaintiffs to avoid having to respond on the delay to a judge.

<http://johnturmel.com/deln1.docx> Application: Delay over 4 weeks

<http://johnturmel.com/deln1.pdf>

<http://johnturmel.com/delrn1.docx> Renewal: Delay over 2 weeks

<http://johnturmel.com/delrn1.pdf>

<http://johnturmel.com/delserv.docx> Affidavit of Fax/Email service.

<http://johnturmel.com/delserv.pdf>

The Motion asks Case Management Judge Brown to set a date. He usually gives Health Canada a week to respond, a week for you to Reply and they usually deliver the permit to mooten any need to respond. “He's got it, motion's mooted now, no interim relief necessary, no explanations needed any more.”

Fill in all blanks in the Motion Record but Affidavit signature, get it sworn (free by a Court Clerk), then make copies. Go serve the Crown a copy and get service accepted stamped on the back of the original motion record, file the original with 2 other copies at Registry. Hop-to-it on the way.

If you are not in a capital city with a Federal Court Registry, call Wendy Wright 416-973-0084 or email

wendy.wright@justice.gc.ca for authorization to fax or email your motion record to her. Then you have to go swear another

Affidavit of Service that you faxed or emailed it to her.

Then you can mail the 3 Motion Records with Affidavit of Service. Or use the efilings system to add document “Motion Record” PDF and add document “Proof of Service” PDF for Affidavit of Service. Jeff and Nathan have received permission to use email so we've asked Judge Brown to accept the metadata from an email to Crown as proof of service to save you having to notarize the second Affidavit of Service. Now, out-of-towners must file to see the judge the hard way; it's same-day service for in-towners.

Final point, Judge Brown said renewals of existing permits get priority over people without and there are now 90,000 more renewals to be done in 2019 than in 2018! If you're waiting, perhaps a court-house kick might get priority on yours. Or wait. If your permit was back-dated, see your doctor earlier or claim your full-term like in the good old days under the MMAR. Full-term with the short-changed time back. And maybe score some cash for the expenses and pot lost during the improper delay!

ONLINE EFILING OF STATEMENT OF CLAIM PDF

<https://efiling.fct-cf.gc.ca/efiling/flngstp1?1>

Click English

Proceeding Type: Choose Federal Court

Proceeding Subject: Choose Against the Crown

Proceeding Nature: Choose Others – Crown (v. Queen)[Actions]

Click: Ordinary

Click Next

Click "Add Party" button

Role: Choose Plaintiff

Type: Click Individual

First Name: Type yours

Last Name: Type yours

Click Save

Click "Add Party" button

Role: Choose Defendant

Type: Click Other

Full Name: Her Majesty The Queen

Click Save

Click Next

Click Add Document

Type: Choose Statement of Claim (Section 48)

Document Language: Click English

Choose file to upload your final signed delsc.pdf file.

Filing Party: Click your name

Click Save

With everything right, click Next

Put in the Filing Party Contact Information (red stars)

Choose a Registry Office nearest you.

Don't click "Urgent" for the Statement of Claim.

Click Next

If you are satisfied, click Submit.

You will get a confirmation number and File number when you arrange the \$2 payment when they call for your credit card.

Lead Plaintiff Jeff Harris will be filing all arguments for you. Any problems, call John @ 519-753-5122

Do print this page to make following instructions easier.

ONLINE EFILING OF MOTION RECORD AND PROOF OF SERVICE

To file documents on existing proceeding:

<https://efiling.fct-cf.gc.ca/efiling/ecrtcsm?6>

Enter your T-number-year.

If it's your file: click Next.

Party List okay, Next

Click Add Document

Type: Choose MOTION RECORD

Language: Click English

Choose file to upload your final signed deln1.pdf file.

Filing Party: Click your name

Click Save

Click Add Document

Type: Choose ACCEPTANCE/ACKNOWLEDGMENT OF SERVICE/OF RECEIPT

Language: Click English

Choose file to upload your final signed delserv.pdf file.

Filing Party: Click your name

Click Save