

CV-19-00 6298100000

Court File No.:



**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**Vaccine Choice Canada (VCC),** [REDACTED]

Plaintiffs

-and-

**Her Majesty the Queen in Right of Ontario, The Attorney General of Ontario, The  
Minister of Health and Long Term Care, The Minister of Education, as represented  
by the Attorney General of Ontario**

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 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 *October 24*, 2019

Issued by:



Address of Local Office:  
393 University  
10<sup>th</sup> Floor Toronto, Ontario  
M5G 1E6

TO: The Attorney General for Ontario  
Crown Law office, Constitutional Law Branch  
720 Bay St.  
Toronto, Ontario  
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**CLAIM**

1. The Plaintiffs claim:

- a) A Declaration that s. 3(1), s.3(3), and s.6 of the *Immunization of School Pupils Act* (hereinafter the "*Act*"), RSO 1190, c 1.1, as well as s.35 of *General, O, Regulation 137/15*, promulgated pursuant to the *Child Care and Early Years Act, 2014*, SO 2014,c.11 Sch 1, are of no force and effect in infringing ss. 2 and 7 of the *Charter* in their mandatory requirement to vaccinate, in violating the rights to freedom of conscience and religion under s.2(a)and (b), and violating the right to liberty and security of the person under s. 7 of the *Charter* , in violating physical and psychological integrity, as well as interfering with the parent-child relationship protected under s.7, in freedom to choose over one's own physical and psychological integrity and autonomy, in making personal choices, not in accordance with the tenets of fundamental justice in that the mandatory provisions suffer from overbreadth, and are otherwise not in accordance with the tenets of fundamental justice;
  
- b) A Declaration that the creation of an offense, under s.4 of the *Act*, for breach of s.3 of the *Act*, is of no force and effect for violating s.2 (a) and (b) and s.7 of the *Charter* for violating the rights to freedom of conscience and religion under s.2(a)and (b), and violating the right to liberty and security of the person under s. 7 of the *Charter* , in violating physical and psychological integrity, as well as interfering with the parent-child relationship protected under s.7, in freedom to choose over one's own physical and psychological integrity and autonomy, in making personal choices, not in accordance with the tenets of fundamental justice in that the mandatory provisions suffer from overbreadth, and are otherwise not in accordance with the tenets of fundamental justice;

- c) A Declaration that s. 4 of *Regulation 645*, RSO Regulation 645, promulgated pursuant to ss. 3, 6, and 17(b) of the *Immunization of School Pupils Act* (hereinafter the "*Act*"), RSO 1190, c 1.1, as well as s.35 of *General, O, Regulation 137/15*, promulgated pursuant to the *Child Care and Early Years Act, 2014*, are of no force and effect in infringing ss. 2 and 7 of the *Charter* in their mandatory requirement to take and pass an "education session" before being able to exercise the exemption provided under s. 3(3) of the *Act*, thus violating the rights to freedom of conscience and religion, as well as constituting compelled speech under s.2(b), and further violating the right to liberty and security of the person under s. 7 of the *Charter*, in violating physical and psychological integrity, in freedom to choose over one's own physical and psychological integrity and autonomy, as well as interfering with the parent-child relationship protected under s.7, which violations are not in accordance with the tenets of fundamental justice in that the mandatory provisions suffer from overbreadth, and are otherwise not in accordance with the tenets of fundamental justice;
- d) A Declaration that the mandatory "Statement of Conscience or Religious Belief" (hereinafter "Statement"), attached hereto to this Statement of Claim as "Schedule A", required pursuant to ss. 3(3), 6(a)(iii), and 17(b) of the *Act*, as well as the Statement under s.35 of *Regulation 137/15* attached as "Schedule B", violate the rights to freedom of conscience and religion under ss. 2 (a) and (b), as well as constituting compelled speech under s.2(b), and further violates the right to liberty and security of the person under s. 7 of the *Charter*, in violating physical and psychological integrity, in freedom to choose over one's own physical and psychological integrity and autonomy, and further, the Statement in "Schedule A" violates the liberty and security rights under s. 7, in posing a potential criminal liability in requiring an acknowledgement that:

“With the decision to delay or delay vaccines , you are accepting the responsibility that you are putting your child’ health and even life at risk”

And thus not in accordance with the tenets of fundamental justice in that the mandatory provisions suffer from overbreadth, and are otherwise not in accordance with the tenets of fundamental justice;

- e) A Declaration that the compulsory “education/information session” as well as “Statement of Conscience or Religious Belief”, and the consequences of refusing to attend, participate, and sign, namely suspension from school and denial of enrollment and attendance, violates the Plaintiffs’, and their children’s, statutory, constitutional, and international law rights, pursuant to the *Convention on the Rights of the Child* , to be free from compulsory medical treatment without informed consent, and to be deprived and denied access to public and private education, which right to education is protected by s. 7 of the *Charter*, and further, the protections set out under the *Convention on the Rights of the Child* , are to be the minimal standard to be read in as a s.7 Charter protected right as set out by the SCC in, inter alia, the *Hape* decision and other appellate jurisprudence to the same effect;
- f) A Declaration that any “Mature Minor Doctrine”, whether at Common Law, or codified, does not apply with respect to, and in the context of, vaccinations, without the informed consent of the parents, and that any such parentally, uninformed non-consensual application is a violation and vitiation of the parent-child relationship recognized and protected by s.7 of the *Charter*;
- g) A Declaration that informed medical consent for medical treatment, including the administering of Vaccines, is a constitutionally protected right under ss.2 and 7 of the *Charter*;



- h) A Declaration that the significant absence of research and pre-screening of pupils and persons who may be pre-disposed to severe reactions and injury from the various required vaccines, and a total absence of informed consent of the possible adverse reactions contained in the manufacturers' "inserts"(warnings) to those vaccines, before being indiscriminately administered, violates the life, liberty and security of the person rights under s.7 of the *Charter*, by act and omission, not in accordance with the tenets of fundamental justice in that the mandatory provisions suffer from overbreadth, and are otherwise not in accordance with the tenets of fundamental justice;
    - i) Such further or other Declaratory relief as counsel may request and this Honourable Court grant.
- 2. The Plaintiffs further seek:
  - (a) interim and permanent orders (in the nature of) *prohibition* restraining the Defendants and their officials from conducting "education sessions" and the swearing of an affidavit prior to exercising their s.2 and s.7 *Charter* rights of exemption from vaccines;
  - (b) Interim and permanent orders (in the nature) of *mandamus* requiring the Defendants and their officials and delegees to advise and inform those who are to be administered vaccines of the manufacturer's "inserts" which detail the potential side-effects and injury, that may arise as a result of the particular vaccine being administered, and further screen the individual's personal propensity to suffering harm or injury from a particular vaccine and obtain informed consent prior to any vaccination;
  - (c) Such farther or other injunctive relief as counsel may advise and this Honourable Court grant.
- 3. Costs of this action on a substantial indemnity basis and such further or other relief this Court deems just.

**THE PARTIES**

4. The Plaintiff, Vaccine Choice Canada("VCC"). is a federally registered not-for-profit educational society. VCC is committed to protecting children's health by informing parents of the existing and emerging scientific literature evaluating the risks, side effects, and potential long-term health effects of artificial immunization. VCC works to protect the right of all people to make fully informed and voluntary vaccine decisions for themselves and their children. Vaccine Choice Canada was originally incorporated as Vaccine Risk Awareness Network (VRAN) in 2000. It changed its name to Vaccine Choice Canada in 2014.
5. The Plaintiff, [REDACTED] is an Ontario resident. She is a Nurse by profession and the mother of three healthy, unvaccinated, children aged 5, 3, and five months.
6. The Plaintiff, [REDACTED] is an Ontario resident. She is the parent of a 5-year-old girl, and a 3-year-old boy. She has worked as an Educational Assistant for the past 10 years, in several elementary schools.
4. The Plaintiff, [REDACTED] is an Ontario resident, a "stay at home" mother of five(5) children currently aged 16, 11, 8, 7, and 5, two of whom suffered severe reactions and injuries from vaccines, resulting in her refusal to vaccinate the other children.
5. The Plaintiff, [REDACTED] is an Ontario resident. She is a mother of two children, aged 5 and 3.

6. The Plaintiff, [REDACTED] Ontario resident and a 49 year-old mother of five(5) children who also refuses to sign the "Statement of Conscience or Religious Belief" as currently framed, and has been refused enrollment of her children into school.
7. The Defendant, the Attorney General of Ontario, is the chief legal officer for Ontario and a required party in any proceeding seeking declaratory relief, in particular constitutional relief.
8. The Defendants the Minister of Health and Long-Term Care and his/her officials, and delegees, is charged with administering the *Act*.
9. The Defendant, the Minister of Education, and his/her officials, and delegees are charged with administering the *Education Act*, and the regulation and enforcement of enrollment, suspension, and expulsion of pupils, and otherwise to give effect to the statutory, constitutional and international law rights to education for every child.

#### THE FACTS

- [REDACTED]
10. The Plaintiff, [REDACTED] is an Ontario resident. She is a Nurse by profession and the mother of three healthy, unvaccinated, children aged 5, 3, and five months.
  11. She, and her husband, refuse to vaccinate them under the compulsory scheme in Ontario and further refuses to attend the education/information sessions and sign the Statement as a prerequisite to registering her children in school and, as a result, her children will be denied access to schools.



12. Her choice is a saturatedly studied and informed one, in the best interests of her children as she assesses them as parent.  
• [REDACTED]
13. The Plaintiff, [REDACTED] is an Ontario resident. She is the parent of a 5-year-old girl, and a 3-year-old boy.
14. She has worked as an Educational Assistant for the past 10 years, in several elementary schools.
15. Her mother chose to stop vaccinating her brother and sister when the Plaintiff and her siblings were young, after several adverse reactions to vaccines.
16. The Plaintiff has been doing research from that day forward on the issue. Along with personal experience and research the Plaintiff has made an informed choice not to vaccinate her children.
17. Her children do not have school age exemptions.
18. The Plaintiff views being forced to attend "education/information sessions", and signing the school age exemption Statement to avoid a school suspension, as a violation of her rights, as well as placing her in jeopardy of criminal prosecution.
19. She further does not wish to attend the video session at the Health Unit because it is biased, and downplays the dangers of the listed adverse reactions on the manufacturers' product inserts.
20. Her choice is a studied and informed one, in the best interests of her children, as she assesses them as parent.

- [REDACTED]
21. The Plaintiff, [REDACTED] is an Ontario resident, a "stay at home" mother of five (5) children currently aged 16, 11, 8, 7, and 5, two of whom suffered severe reactions and injuries from vaccines, resulting in her refusal to vaccinate the other children.
  22. She refuses to vaccinate her other children and further refuses to sign the "Statement of Conscience or Religious Belief", as a prerequisite to the enrollment of her children into school.
  23. Her choice is a studied and informed one, in the best interests of her children as she assesses them as parent.

- [REDACTED]
24. The Plaintiff, [REDACTED] is an Ontario resident. She is a mother of two children, aged 5 and 3.
  25. She refuses to vaccinate her children under the compulsory scheme in Ontario and further refuses to attend the education/information sessions and sign the Statement as a prerequisite to registering her children in school and, as a result, her children will be denied access to schools.
  26. Her choice is a studied and informed one, in the best interests of her children as she assesses them as parent.

- [REDACTED]
27. The Plaintiff, [REDACTED] is a 49 year-old mother of five(5) children who also refuses to sign the "Statement of Conscience or Religious Belief" , and has been refused enrollment of her children into school.

28. Her refusal to vaccinate, attend the sessions or sign the Statement, is a studied and inform choice exercised in the best interests of her children, in accordance with her assessment of those interests as parent.
29. All five of the above-noted Plaintiffs' informed choice and refusals rest on their freedom of conscience, thought and belief, and protection against compelled speech under s.2 (a) and (b), as well as their assertion to make choices as to their, and their children's physical and psychological integrity and autonomy recognized and protected under s.7 of the *Charter* under life, liberty and security of the person, in the context of the constitutionally protected parent-child relationship, and the ss.2, and 7 *Charter*-protected right to make medically informed consensual decisions with respect to themselves and their children.
- **The Ontario Vaccination Scheme**
30. In Ontario the *Act*, under s.3, requires compulsory vaccination of all school children, whether in public or private school, with an offense created under s.4 of the *Act* for breaches of s.3. (With minor variation, a similar compulsory scheme of mandatory vaccination and signing a statement for exemption, is required and administered for pre-school children under s.35 of *General, O, Regulation 137/15*, promulgated pursuant to the *Child Care and Early Years Act, 2014*).
31. Under the *Act*, and s. 4 of *Regulation 645* thereunder, an exemption, other than a medical exemption, from vaccination, can be had based on conscience and belief if:
- (a) the pupil and parent(s) attend a compulsory "education/information session"; and
  - (b) the signing of the Statement, attached hereto to the within statement of claim as "Schedule A".
32. Under the *Act*, and *Regulation 645*, s. 4, if this Statement is not signed, a "public health officer", as defined under the *Act*, can suspend the child from school and/or bar registration, enrollment or attendance, with which order the schools comply, notwithstanding any apparent lack of authority, under the *Education Act*,

for a public health officer to do so, thus depriving the child of education. A charge can also be laid, against the parent, under s.4 of the *Act*.

33. The Plaintiffs state, and the fact is, that their experience, research, and knowledge of these "education/information sessions" is that they are designed and executed:
- (a) to brow-beat the pupils and parents to accept the vaccination, often under threat of expulsion;
  - (b) to present a one-sided, distorted view of vaccination, without any information of the risks of vaccination to allow for an informed consent and basis to choose;
  - (c) the above is manifest, in part, in the "information sheets" handed out with respect to particular and various vaccines, which seismically differ from the dire warnings of potential severe injury including death which are present in the vaccine manufacturers' own "inserts"(warnings) with respect to the very same vaccine, which detail the possible severe side-effects;
  - (d) the Statement to be signed contains an acknowledgement, which is not scientifically based nor proven, that refusal or failure to vaccinate can result in serious injury including death, which the Plaintiffs apprehend as a basis for future criminal prosecution while, at the same time, no such warnings are issued with respect to the danger of severe injury, including death, at these sessions, which are issued by the very manufactures' of the very vaccine, provided by the manufacturers in their warning inserts.
34. The Plaintiffs state, and the fact is that, when pupils line up at school to be vaccinated, there is no prior discussion with parents or pupils of the risks, nor are pupils pre-screened for potential propensity to be injured by vaccines.
35. The Plaintiffs state, and the fact is that, when and where vaccinations are administered by private general physicians:
- (a) doctors do not, prior to vaccinating, explain the risks to parents or children;

- (b) do not convey the warnings, nor provide a copy, of the manufacturers of the vaccines contained in the inserts of possible side-effects, injury, and or death;
  - (c) in fact most doctors, if asked, indicate that they are not in possession or permitted to give a copy of the insert.
35. The Plaintiffs state, and the fact is that:
- (a) it is undisputed that vaccines cause severe, permanent injury up to and including death in a certain percentage of those who are vaccinated, including physical, neurological, speech, and other disabilities;
  - (b) that, as a result of this reality, risk, and severe injury, certain North American jurisdictions, such as the USA, and Quebec, as well as all G-7 countries except Canada, have established compensation schemes for those injured and killed by vaccines;
  - (c) that Ontario has no such compensation scheme;
  - (d) that there is no individual pre-screening, to attempt to pre-determine, which individual may have a propensity to be so injured, even in cases where older siblings, in the same family have been injured, no investigation is undertaken or weighed with respect to the risks of their younger siblings being vaccinated;
  - (e) the Plaintiffs state, and the fact is, that while peanuts and other nuts, as an absolute proposition, do not injure or kill, they do injure or kill those who are allergic to them. While schools have taken saturated and heightened steps to make their spaces "nut-free", the risks of vaccines to children, particularly those who are pre-disposed to injury and death from them, are completely ignored.
36. The individual, biological Plaintiffs state that they further rely on the facts set out below under the Plaintiff heading "Vaccine Choice Canada (VCC)".
37. The individual, biological Plaintiffs state that the vaccination scheme in Ontario violates their rights, by act and omission. That compulsory and compulsory education/information sessions, with a distorted and biased presentation of the



“risks” of vaccinating or not vaccinating, to allow for informed choice, and a compulsory signing of a Statement which acknowledges that refusal or failure to vaccinate can cause injury or death, prior to an exemption being granted, is a violation of their rights as follows:

- (a) an *in limine* compulsory vaccination scheme violates s.2(a) and (b) of the *Charter* in infringing the rights to freedom of conscience, religion, thought and belief, as well as infringing the rights to liberty and security of the person, in interfering with the physical and psychological integrity of the person and the right to make choices as to that integrity and autonomy, pursuant to s.7 of the *Charter*;
- (b) the compulsory “education/ information sessions”, and compulsory signing of the Statement, similarly violate ss.2(a) and (b) and s.7 of the *Charter* as outlined immediately above, as well as further violating s.2(b) of the *Charter*, and protection against compelled speech, and further violates s.7 of the *Charter* in violating the liberty and security rights, as such overly-broad and enveloping “acknowledgement”, which is forced upon the parent, makes a parent prone to possible criminal prosecution for “failure to provide the necessities of life” for their child, and removes the presumption of innocence through this pre-fabricated statement against interest in the event of prosecution under the *Criminal Code of Canada*;
- (c) that the failure and omissions of the Defendants, their officials and delegates, in the vaccination scheme, to transparently and honestly present the risks of vaccination, pro and con, and the failure and omissions to make individual assessments to pre-determine and pre-screen those children who may have a propensity and pre-disposed to being vaccine injured, constitutes a violation of the same *Charter* cited above, in depriving the right to an informed consent before medical treatment through vaccine is compulsorily administer, by way of omission as set out by the Supreme Court of Canada in, *inter alia*, *Vriend* in unnecessarily exposing children to injury up to and including death, by an overly-broad, untailored, indiscriminate and blind vaccination scheme,

notwithstanding the dire and pointed warnings in the manufacturers' own very inserts and warnings as to the risks;

- (d) that the threat and reality of suspension, expulsion and refusal to register or enroll a child in school not complying with the compulsory vaccination scheme, further violates the child's statutory, constitutional, and international law rights to education, which in Canada, has been recognized as a right protected by s.7 of the *Charter*;
- (e) that the vaccination scheme as set out and executed by the Defendants, officials, and delegates, is a violation and interference with the s.7 Charter protected right to the parent-child relationship and the right of the parent to act and make decisions in the child's best interests, as enunciated and outlined by the jurisprudence of the Supreme Court of Canada.

38. The Plaintiffs state that the violations of their ss. 2(a) and (b) *Charter* rights are not justified under s.1 of the *Charter* and puts the Defendants to their onus of justifying the violations. The Plaintiffs further state that the violations of their s.7 *Charter* rights, as set out above in the statement of claim, are not in accordance with the tenets of fundamental justice in that the scheme and provisions suffer from overbreadth and that the protection of overbreadth in legislation has been recognized, by the Supreme Court of Canada, as a tenet of fundamental justice, and that further they cannot be saved under s.1 of the *Charter*, the onus of which lies with Defendants.

- **Vaccine Choice Canada (VCC)**

39. Vaccine Choice Canada is a federally registered not-for-profit educational society. VCC is committed to protecting children's health by informing parents of the existing and emerging scientific literature evaluating the risks, side effects, and potential long-term health effects of artificial immunization. VCC works to

protect the right of all people to make fully informed and voluntary vaccine decisions for themselves and their children. Vaccine Choice Canada was originally incorporated as the Vaccination Risk Awareness Network (VRAN) in 2000. It changed its name to Vaccine Choice Canada(VCC) in 2014.

40. In the 19 years that Vaccine Choice Canada, and its predecessor organization, has been involved in reviewing the vaccine safety literature, supporting families in their vaccine decisions, and developing educational materials related to vaccine safety, efficacy and necessity, so that individuals can make responsible and informed decisions, VCC has noted, uncovered, and researched certain established facts as set out below.

41. VCC states that, with respect to facts pertinent to product safety testing, the facts and medical literature sets out that:

- (a) Vaccines do not undergo the same level of safety testing as is required for all other drugs and medical products.
- (b) None of the vaccines licensed for use in Canada have been tested for safety using long-term, double blind, placebo-controlled studies.
- (c) Vaccine products licensed for use in Canada are not evaluated for safety using a neutral placebo,<sup>1</sup> a requirement for all other pharmaceutical products.
- (d) Vaccines are an invasive medical intervention whose safety is determined primarily by the amount of injury or death reported *after* vaccination.

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<sup>1</sup> <https://www.icandecide.org/wp-content/uploads/2019/08/VaccineSafety-Version-1.0-October-2-2017-1.pdf>

- (e) Pre-licensing safety monitoring of childhood vaccines, prior to the vaccines being administered, is not long enough to reveal whether vaccines cause autoimmune, neurological or developmental disorders.<sup>2</sup>
- (f) Studies designed to examine the long-term effects of the cumulative number of vaccines or other aspects of the vaccination schedule have not been conducted.<sup>3</sup>
- (g) There are too few scientifically sound studies published in the medical literature to determine how many serious brain and immune system problems are or are not caused by vaccines.<sup>4</sup>
- (h) The design and reporting of safety outcomes in MMR vaccine studies, both pre- and post-marketing, is largely inadequate.<sup>3</sup>
- (i) Vaccines have not been tested for carcinogenicity, toxicity, genotoxicity, mutagenicity, ability to impair fertility, or for long-term adverse reactions.
- (j) Health Canada does not conduct its own independent clinical trials to determine vaccine safety and efficacy and instead relies on the data provided by the vaccine manufacturers.
- (k) Studies comparing the overall health of vaccinated and unvaccinated children reveal that vaccinated children are significantly more likely to have neuro-developmental disorders and chronic illness.<sup>6</sup>

<sup>2</sup> <https://icandev.wpengine.com/wp-content/uploads/2019/08/ICAN-Reply.pdf>

<sup>3</sup> <https://www.nap.edu/catalog/13563/the-childhood-immunization-schedule-and-safety-stakeholder-concerns-scientific-evidence>.

<sup>4</sup> <https://www.nvic.org/PDFs/IOM/2013researchgaps-IOMchildhoodimmunizationschedulea.aspx>

<sup>5</sup> [https://www.cochrane.org/CD004407/ARI\\_using-combined-vaccine-protection-children-against-measles-mumps-and-rybella](https://www.cochrane.org/CD004407/ARI_using-combined-vaccine-protection-children-against-measles-mumps-and-rybella)

<sup>6</sup> <https://antivaccina.org/files/MawsonStudyHealthOutcomes5.8.2017.pdf>

- (l) There is evidence that vaccines are contaminated with unintended ingredients and that the health impact of injecting these ingredients is unknown.<sup>7</sup>
- (m) Canada is the only G7 Nation without a national program to compensate those injured or killed by vaccination.
- (n) The United States Vaccine Injury Compensation Program has awarded more than \$4.1 billion in compensation since 1989.
- (o) The published medical literature recognizes that vaccines can cause permanent injury including death.
- (p) The US government has acknowledged that vaccination can cause brain damage resulting in symptoms of autism in genetically susceptible children.<sup>8</sup>
- (q) The US Centre for Disease Control (CDC) has acknowledged that every domestic case of polio that occurred after 1979 was caused by the vaccine strain of polio.<sup>9</sup>
- (r) Vaccines include ingredients that are classified as poisons, carcinogens, toxins, neurotoxins, immune-and-nervous-system disruptors, allergens, fertility inhibitors, and sterilizing agents.
- (s) Health Canada exposed children to cumulative levels of mercury and aluminum, in the incubation of the vaccines that exceeded the US FDA's safety guidelines.

<sup>7</sup> <https://www.corvelva.it/it/speciale-corvelva/vaccinegate-en.html>

<sup>8</sup> <https://www.jeremyhammond.com/wp-content/uploads/2019/10/080228-Vaccine-Autism-Court-Documents-Kirby-HuffPost.pdf>

<sup>9</sup> <https://web.archive.org/web/20150103130229/http://www.cdc.gov/vaccines/vpd-vac/polio/dis-faqs.htm>



42. VCC states that, with respect to the facts pertinent to screening for susceptibility to vaccine injury, that:

- (a) Pre-screening to identify individuals who may be at increased susceptibility to vaccine injury and death does not occur in Canada.
- (b) Health Canada has not committed resources to identify those individuals who may have increased susceptibility to experience vaccine injury or death.
- (c) Policies to administer vaccines to "Mature Minors", often without the knowledge and consent of the parents and without the informed consent of the "Mature Minor", in schools and medical settings without the knowledge or consent of the parents has inadequate safety protocols to fully consider the personal and family medical history prior to vaccination.
- (d) This failure to fully consider personal and family medical history puts these youth at increased risk of vaccine injury.

43. VCC states that, with respect to the facts pertinent to monitoring of adverse effects of vaccination, that:

- (a) Doctors and health care workers are not trained to recognize and diagnose vaccine injury.
- (b) There are no legal consequences when medical professionals fail to report vaccine injury.
- (c) Parents' observations of health and behavioural changes following vaccination are routinely ignored and denied by doctors and rarely captured in adverse events reporting systems.

- (d) It is recognized that fewer than 1% of vaccine adverse reactions are reported.<sup>10</sup>
- (e) Ontario's AEFI reporting system has lower reporting rates than other provinces.<sup>11</sup>
- (f) The medical industry has failed to fully consider the combined toxicology of vaccine ingredients and the synergistic effect of combining vaccine ingredients.

44. VCC states that, with respect to the facts pertinent to safeguarding policy over patient health, that:

- (a) The primary metric used by Health Canada to measure the success of the vaccine program appears to be how many vaccines are delivered.
- (b) The goal of public health vaccine policy is to persuade parents to comply with the full vaccine schedule.<sup>12</sup>
- (c) The pursuit of the goal of persuading parents to comply with vaccination recommendations is incompatible with the goal of allowing parents to possess the knowledge they need to exercise their right to informed consent, and act in their child's best interests.
- (d) The right to informed consent has been recognized as one of the most fundamental ethics in medicine.
- (e) Public health professionals routinely fail to inform citizens of their legal right to personal, religious and medical exemptions where they exist.
- (f) Health Canada, with respect to vaccines, places public policy over individual health considerations.

<sup>10</sup> <https://healthit.ahra.gov/sites/default/files/docs/publication/r18hs017045-lazarus-final-report-2011.pdf>

<sup>11</sup> [https://www.myhealthunit.ca/en/health-professionals-partners/resources/Health-Care-Professionals/adverse-events/Annual\\_Report\\_Vaccine\\_Safety.pdf](https://www.myhealthunit.ca/en/health-professionals-partners/resources/Health-Care-Professionals/adverse-events/Annual_Report_Vaccine_Safety.pdf)

<sup>12</sup> <https://cic-cci.ca/>

- (g) Government policy makers have refused to consider the fact that the risks of the target diseases are not the same for every child and that some children are at greater risk of being harmed by vaccines due to genetic or environmentally caused predispositions.
  - (h) Government policymakers ignore that the fact that for informed consent to happen, the risk-benefit analysis must be conducted for *each* vaccine and *individually for each child*.
  - (i) Antibody titre testing is rarely conducted in an effort to avoid unnecessary vaccination.
  - (j) An increasing number of parents are choosing not to vaccinate because they recognize that public health vaccine policy poses a serious threat to both their health and liberty.
45. VCC states that, with respect to the facts pertinent to lack of accountability for vaccine injury, that:
- (a) Vaccine manufacturers and medical professionals are not held legally and financially accountable when vaccine injury and death occurs.
  - (b) A consequence of this legal immunity is that there is no legal or financial incentive for the vaccine industry to make their products safer, even when there is clear evidence that vaccines *can* be made safer.
  - (c) Systemic corruption within the medical establishment is well recognized within the scientific community.<sup>13 14</sup>
  - (d) Conflicts of interest in biomedical research are "very common".<sup>15</sup>

<sup>13</sup> <https://www.nybooks.com/articles/2009/01/15/drug-companies-doctors-a-story-of-corruption/>

<sup>14</sup> <https://doi.org/10.1111/eci.12074>

46. VCC states that, with respect to the facts pertinent to informed consent, that

Consumers are rarely informed that:

- (a) vaccines do not confer life-long immunity;
- (b) not all vaccines eliminate susceptibility to infection;
- (c) not all vaccines are designed to prevent the transmission of infection;
- (d) most vaccines do not alter the safety of public spaces;<sup>16</sup>
- (e) Health Canada has acknowledged that vaccines are voluntary in Canada and cannot be made mandatory due to the Canadian Charter of Rights and Freedoms;
- (f) 'herd immunity' is a theory rather than a scientific fact and that there is no conclusive proof that not vaccinating a child, per se, will bring harm to that child or other children or others around him/her;
- (g) there is no scientific evidence that herd immunity can be achieved using vaccines due to the temporary nature of the immunity offered;
- (h) vaccine can and do cause permanent injury and death;
- (i) there is no scientific evidence that vaccines are primarily responsible for reduced mortality over the last century as is often claimed;
- (j) the human body has an innate capability to fight off infections and heal itself;
- (k) the pharmaceutical companies that produce almost all vaccines have been found guilty and paid billions of dollars in criminal penalties for research fraud, faking drug safety studies, failing to report safety problems, bribery,

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<sup>15</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1182327/>.

<sup>16</sup> <https://childrenshealthdefense.org/news/why-you-cant-trust-the-cdc-on-vaccines/>

kickbacks and false advertising;

- (l) Canadian children are among the most vaccinated children in the world
- (m) there is no compensation available in Canada, except for Quebec, should vaccination result in injury or death;
- (n) only two provinces in Canada (Ontario and New Brunswick) require exemptions to decline vaccination;
- (o) recommended/required vaccines vary by province, by state, and by country.

- 47. Consumers are rarely provided with the product monograph (product information insert) by health care providers. Vaccines monographs warn of limitations to vaccine safety testing as well as recognized adverse events following vaccination which include severe and permanent injury and death.
- 48. Vaccine mandates violate the medical and legal ethic of informed consent.
- 49. Vaccine mandates violate *'The Universal Declaration of Bioethics and Human Rights'*, the *Nuremberg Code*, professional codes of ethics, and all provincial health Acts.
- 50. A review of the transcripts of the vaccine education materials produced by the Ontario government reveal that the risk of vaccine injury is discussed superficially, and that consumers are given insufficient information to make an informed decision.



51. A review of Public Health Agency of Canada recommended curriculum for school children reveals that education on the risk of vaccine injury is absent, as is education on the right to informed consent.<sup>17</sup>
52. The vaccine risk information provided to consumers varies by health region.
53. Vaccines are routinely administered to youth in medical clinics and school settings without the knowledge or consent of their parents.
54. Youth vaccinated in school-based clinics routinely report being intimidated into vaccination and being threatened with expulsion if they refuse vaccination.
55. Public health presents as if all vaccines carry the exact same risk/benefit assessment for all individuals.
56. Individual benefit versus individual risk of vaccination is rarely considered.
57. Indigenous people are required to receive vaccines other than those required for non-Indigenous people based on assumed risk, not upon medical evidence of risk.
58. VCC states that, with respect to the facts pertinent to the *Immunization of School Pupils Act* (ISPA), that:
- (a) Only school children are mandated to provide their medical records under ISPA. Adults are not required and are less likely to be 'up to date' with their vaccinations.
  - (b) The forced disclosure of private medical records puts a child's medical privacy at risk.
  - (c) This disclosure often results in the child being ostracized by school staff and peers.

<sup>17</sup> [https://kidsboostimmunity.com/sites/default/files/reusable\\_files/kbi\\_bc.pdf](https://kidsboostimmunity.com/sites/default/files/reusable_files/kbi_bc.pdf)

- (d) The ISPA does not give the medical officer of health authority to suspend a student. Only a principal can suspend a student from school. The Education Act does not have any section that allows a principal to suspend for lack of medical records. Yet this is routinely done for those who do not, or refuse, to comply with the mandatory scheme.
- (e) Parents who do not comply with unlawful suspension are threatened with child protection services.
- (f) Children who are under vaccinated or without exemptions are intimidated, held in the office, and incorrectly told by school officials that they need to get their shots or they cannot come to school.
- (g) The HSARB (Health Service Appeal and Review Board), which deals with appeals of suspensions, registration and expulsions, cannot rule on *Charter* challenge cases, as the enabling legislation specifically bars jurisdiction to adjudicate *Charter* issues.
- (h) There is zero accountability for violations of rights by the medical officer of health. This has resulted in many cases of the Medical Officer of Health unlawfully suspending young children for 60 to 90 school days, contrary to the 20 days suspension as set out in the ISPA.

- **The Mature Minor Doctrine**

59. The Mature Minor doctrine was read into and interpreted as arising from Ontario's *Health Care Consent Act* in 1996 under the section "Capacity"<sup>1,3</sup>, which doctrine purports to allow minor children, of no specific age, to make their own medical decisions without parental knowledge or consent. It is doubtful that this was meant to apply to vaccines where no urgent or imminent treatment is present or required. When parental consent has not been obtained, or when a legal vaccine exemption is not on file, minor children of no specific age in the school setting are told by public health nurses that they have the right to make their own vaccine decision, and that they do NOT need their parents' permission to receive the vaccines.
60. Children in the school setting are NOT informed that vaccination is VOLUNTARY and that the child/student has the legal right to refuse the vaccine(s). Public health officials are given free rein to conduct vaccination clinics in Ontario schools without any oversight, frequently coercing and bullying underage children to submit to vaccination in the school setting, without parental knowledge or consent. Parents have reported that children as young as age 11 have been "persuaded" to submit to vaccines without first being allowed to contact their parents, and under duress of being suspended if they do not comply. The legal and ethical right to voluntary informed consent is regularly abused by public health nurses conducting vaccination programs in the school setting in several ways, such as:

- (a) Children are NOT provided with accurate information about the risks & benefits of the vaccine(s).
  - (b) Children are threatened with school suspension if they do not submit to the vaccines being offered, creating a climate of fear, intimidation and coercion.
  - (c) When children are coerced into submitting to vaccination under threat of school suspension, the basic right to voluntary, informed consent is violated.
61. The "Mature Minor" doctrine usurps parental authority, giving government officials the power to coerce children into making health care decisions that conflict with family values, as well as the parent-child relationship. Every reasonable person knows that an 11 year old child does not have the maturity or life experience to evaluate the risks or benefits of receiving one or multiple vaccines. A child this young is incapable of making an informed decision about complex medical issues. Furthermore, there is no health emergency justifying this kind of medical bullying and conduct.
62. School based vaccination programs are 'assembly line' medicine that overrides and ignores a child's legal right to make a voluntary, informed decision about the treatment they are submitting to. The Mature Minor doctrine enables public health officials to prey on the vulnerability of minor children in order to impose its their own preferences and agenda, and enables them to override all normal ethical and legal rules governing medical treatments.

63. The Plaintiffs rely on:

- (a) the Statutory Schemes set out in the within statement of claim;
- (b) ss. 2, 7, and 24(1) of the *Charter*;
- (c) s. 52(1) of the *Constitution Act, 1982*;
- (d) the *Convention of the Rights of the Child*;
- (e) the *Common Law*;
- (f) such further statutory or constitutional provisions as counsel may advise.

64. The Plaintiffs therefore request:

- (a) The relief set out in the paragraph 1 of the within the Statement of Claim;
- (b) Costs of this action on full indemnity basis;
- (c) Such other or further relief as counsel for the Plaintiff may advise and this Honourable Court grant.

65. The Plaintiff proposes that this action be tried in Toronto.

Dated at Toronto this 24<sup>th</sup> day of October, 2019

  
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PROFESSIONAL CORPORATION  
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Lawyer for the Plaintiffs



# " SCHEDULE A " 29



Ministry of Health and  
Long-Term Care

## Statement of Conscience or Religious Belief *Immunization of School Pupils Act*

### Pupil Information

Pupil's Last Name		Pupil's First Name	
Date of Birth (yyyy/mm/dd)			
Address			
Unit Number	Street Number	Street Name	PO Box
City/Town		Province	Postal Code
Name of School			Class or Grade

### Parent/Legal Guardian Information

Last Name	First Name
Telephone Number	Email Address

### Important Information – Please Read

Ontario's *Immunization of School Pupils Act* ("ISPA") requires that children and adolescents attending primary or secondary school show proof of immunization against the ISPA's designated diseases unless they have a valid exemption.

In order to receive a valid exemption for non-medical reasons, parents must:

- Complete the immunization education session required by the ISPA; and
- Complete the Statement of Conscience or Religious Belief form that is signed, and sworn or affirmed before a Commissioner for Taking Affidavits

Parents must submit the above mentioned documents to the medical officer of health of their local public health unit.

To find the local public health unit in your area, visit [ontario.ca/healthcareoptions](http://ontario.ca/healthcareoptions)

Information about vaccines and Ontario's publicly funded immunization program is available at [ontario.ca/vaccines](http://ontario.ca/vaccines)

#### Risks of not being vaccinated:

Immunization programs have resulted in dramatic reductions in cases of vaccine-preventable diseases (VPDs) in Canada with reductions in incidence in the range of 99 to 100% for diseases such as measles, mumps, chickenpox, diphtheria and polio. With the decision to delay or refuse vaccines, you are accepting responsibility that you are putting your child's health and even life at risk. Be aware that any vaccine-preventable disease can appear at any time in Ontario because all of these diseases still circulate either here or elsewhere in the world.<sup>1</sup>

Delaying or refusing vaccines for your child also puts others at risk of illness, especially children and adults in cancer treatment, those with heart or lung disease or diabetes, newborn babies and the elderly. Communities depend on high immunization rates to keep vaccine preventable diseases from spreading. When more people are immunized, there is less risk for everyone. If your child is sick and you call or visit a health care provider, immediately tell them that your child is not fully vaccinated. This may affect what tests they do. Precautions may need to be taken so that a vaccine-preventable disease does not spread from your child to other people.<sup>2</sup>

<sup>1</sup> Source: Ministry of Health and Long-Term Care

<sup>2</sup> Source: Canadian Paediatric Society

**Affidavit**

I, \_\_\_\_\_

parent/legal guardian of the above named pupil, make oath or solemnly affirm and say as follows:

The requirements of the *Immunization of School Pupils Act (ISPA)* conflict with my sincerely held convictions based on my religion or conscience.

I have completed the required immunization education session as demonstrated by submitting a copy of the vaccine education certificate.

I understand that section 12 of the ISPA provides that the medical officer of health may order that the above named pupil be excluded from school if there is an outbreak or immediate risk of an outbreak of a designated disease in the school at which the pupil attends where one the following has not been received:

- A statement of immunization or other satisfactory evidence of immunization. Please note, immunity can take a period of time to develop and if immunized the student may continue to be excluded during that period.
- A statement of medical exemption stating that immunization is unnecessary because of evidence of immunity.

I understand that I may choose at any time to vaccinate my child for any of the designated diseases under the ISPA.

I request the above named pupil be exempted from **all** ISPA diseases; OR

I request the above named pupil be exempted from the immunization requirements under the ISPA for the following designated diseases:

Measles, Mumps, Rubella

Diphtheria, Tetanus

Meningococcal (Men-C-C for children under 12 years old)

Varicella (chickenpox) (for children born in or after 2010)

Pertussis

Meningococcal (Men-C-ACWY for children 12 years and older)

Poliomyelitis

**Note on selecting diseases:**

In Canada, certain vaccines are only available in a combined vaccine product that also protects against other diseases. For example, vaccines that protect against tetanus and diphtheria are only available in combination with protection against pertussis and/or polio. Please review the Immunization [Parent Check List](#) or contact your local public health unit for more information.

SWORN OR SOLEMNLY AFFIRMED before me

at

\_\_\_\_\_  
(Municipality)

in

\_\_\_\_\_  
(Province, State, or Country)

on

\_\_\_\_\_  
Date (yyyy/mm/dd)

\_\_\_\_\_  
Signature of Parent/Legal Guardian

\_\_\_\_\_  
Signature of Commissioner for taking Affidavits

\_\_\_\_\_  
Type or print name if signature is illegible

**As per section 366 of the Criminal Code, it is an offence to make a false document, knowing it to be false, with intent that a person should be induced, by the belief that it is genuine, to do or to refrain from doing anything.**



# "SCHEDULE B"

Ministry of Education

31

## Statement of Conscience or Religious Belief for Child Child Care and Early Years Act, 2014

### Affidavit

\_\_\_\_\_  
(Last Name, First Name)

parent of the following named child:

Last Name	First Name	Date of Birth (yyyy/mm/dd)
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Home Address		
Unit Number	Street Number	Street Name
City/Town	Province	Postal Code

Child Care Centre / Home Child Care Agency

make oath or solemnly affirm and say as follows:

1. Immunization conflicts with my sincerely held religious or conscientious convictions.
2. I make this affidavit for the purposes of complying with the requirements of subsection 35(2) of Ontario Regulation 137/15 under the *Child Care and Early Years Act, 2014*, and for no other or improper purpose.

SWORN OR SOLEMNLY AFFIRMED before me

at \_\_\_\_\_  
(Municipality/First Nation)

in \_\_\_\_\_  
(Province)

on \_\_\_\_\_  
(Date (yyyy/mm/dd))

\_\_\_\_\_  
Parent of Named Child Signature

\_\_\_\_\_  
Signature of Commissioner for Taking Affidavits

\_\_\_\_\_  
or Print name if signature is illegible (Last Name, First Name)

Personal information on this form is provided to your child care provider as required under subsection 35(2) of Ontario Regulation 137/15 under the *Child Care and Early Years Act, 2014*. The information may be collected and used by the Ministry of Education in the course of confirming compliance with that subsection. The information may also be collected and used by the Medical Officer of Health pursuant to clause 72(6)(a) of Ontario Regulation 137/15 under the *Child Care and Early Years Act, 2014* in order to support the health and well-being of children. Questions about this collection should be directed to: Manager, Licensing and Compliance, Ministry of Education, 77 Wellesley Street West, Box 980, Toronto ON M7A 1N3, or by calling the Child Care Licensing Help Desk at 1-877-510-5333.

[Print Form](#)

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[Clear Form](#)

CV-19-00629810 0000

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Court File No.:

VACCINE CHOICE CANADA(VCC),et al - and - HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, et al

Plaintiffs

Defendants

(Short title of proceeding)

ONTARIO  
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT TORONTO

STATEMENT OF CLAIM

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