

Federal Court



Cour fédérale

Date: 20201208

Docket: T-219-20

Citation: 2020 FC 1136

BETWEEN:

SAJJAD ASGHAR

Plaintiff

and

**HER MAJESTY THE QUEEN IN RIGHT OF
CANADA,
THE PRIME MINISTER OF CANADA
JUSTIN TRUDEAU**

Defendants

**REASONS FOR EARLIER ORDER STRIKING THE STATEMENT OF CLAIM
AND DISMISSING THE ACTION**

(ORDER ISSUED OCTOBER 29, 2020)

SIMPSON J.

I. Background

A. *Parties*

[1] Mr. Sajjad Asghar is a self-represented plaintiff [the Plaintiff]. He is a 49-year-old single man and a resident of North York, Toronto. He describes himself as an Aeronautical Engineer.

[2] The Plaintiff has named Her Majesty the Queen in Right of Canada and Prime Minister Justin Trudeau as Defendants [the Defendants].

B. *Proceeding*

[3] The Plaintiff filed his Statement of Claim [the Claim] with the Court in February 2020, and concurrently filed a motion seeking interlocutory injunctive relief [the Injunction Motion]. In October 2020, the Plaintiff also filed a Notice of Constitutional Question [NOCQ].

[4] The Defendants have brought two motions. One was a motion for an order striking the Plaintiff's Claim without leave to amend [the Motion to Strike]. The other was a motion to strike the Plaintiff's NOCQ without leave to amend.

[5] The Plaintiff's Injunction Motion and the Defendants' two motions were set down to be heard on the same day and the Court directed in advance of the hearing that the motions would be heard in the following order: (1) the Defendants' Motion to Strike, (2) the Defendants' Motion to Strike the NOCQ, and (3) the Plaintiff's Injunction Motion.

[6] The Court heard only the Defendants' Motion to Strike and at the conclusion of the hearing on October 29, 2020, an order was made granting the motion and dismissing the action without leave to amend. Reasons were to follow. These are the promised reasons. Given the disposition of the Motion to Strike, it was not necessary to hear the other two motions. Orders were made on October 29, 2020 dismissing them because the action had been dismissed.

C. *The Plaintiff's Claim*

[7] The Plaintiff's Claim is based on his belief that there is an extensive organized criminal conspiracy that has been targeting him for murder since 2007. He alleges that the governments of Canada and the United States are conducting "state-supervised organized crime [...] through the departments and proxy networks of civilians." In this regard, paragraph 10 of the Claim reads as follows:

This court may note for the record that the defendants and the public (terrorist community) of Canada are guilty of planning the killing/murder of this plaintiff, defendants participated in this planning or alternatively failed to stop unprovoked armed attacks and assaults despite repeat incidents and reporting. Defendants and the public have stopped this plaintiff from lawfully making a family, from having sex, from earning legitimate livelihood via self-employment and employment both, spirits - magic and such techniques have been used extensively to steal intellectual property soft and hard files and other personal property - to injure the organs of this plaintiff- to target him via magic otherwise, IT has been used to steal computer files - hack the phones -- delete and stop important emails etc.

[8] The Plaintiff's claim for relief in the Claim reads as follows:

- a. A declaration that the defendants have:
 - i. Caused "Misfeasance in the public office"
 - ii. Caused "Malfeasance in the public office".
 - iii. Caused "Nonfeasance in the public office"
 - iv. Caused "Negligence" and "Criminal Negligence"
 - v. Caused "Conspiracy", both types.
 - vi. Sponsored and aired organized terrorism on the life of this plaintiff
 - vii. Caused damages due to the Constitution Act and the Charter breaches S. 1, 7, 12, 15(1) pursuant to S.

24(1). These damages are being sought in the amount of the Canadian equivalent of 500M USD.

- viii. Caused Special damages, damages will be quantified at the right time.
- ix. Caused general, aggravated, punitive and exemplary and infliction of emotional distress damages. These damages are being sought in the amount of the Canadian equivalent of 500M USD.
- x. Failed to provide the safety and security of life to which this plaintiff was constitutionally and statutorily entitled.
- xi. Failed to provide the safety and security of life to the plaintiff for which the defendants were constitutionally and statutorily responsible.
- xii. Failed to prevent, take measures and/or conduct any investigations into the repeatedly and continuously reported attacks and assaults by the armed hired assailants/assassins targeting this plaintiff.
- xiii. Failed to arrest and stop the organized crime proxy networks of civilian terrorists and hired assailants/assassins from the Canadian public from conducting armed attacks, unprovoked assaults, murder threats, stalking, running illegal surveillance etc. targeting this plaintiff.
- xiv. Caused breach of the Constitution Act and the Charter S. 1, 6, 10, 7, 12, 15(1).
- xv. Caused breach of the Canadian Human Rights Act Part I S. 5, 7, 14(1), 14(2).
- xvi. Caused breach of the Criminal Code sections, S. 219(1) by the defendants, their Ministers, agents, law enforcement and officials pursuant to repeat armed attacks and ongoing public violation of the Criminal Code S. 85, 86, 87, 88, 89, 90, 91, 92, 95, 96, 103, 104 etc. and direct violations by the Canadian officials of some of these sections. for example, police using pointed object in illegal assault and battery in 2008 during false arrest, that gave plaintiff a black eye, injury report was made. Damages are being sought in the Canadian

equivalent of 500M USD and arrests of the relevant officials including the disgruntled Prime Minister Justin Trudeau's.

- xvii. Caused breach of the Criminal Code sections, S. 83 (Terrorism) by the defendants, their Ministers, agents, law enforcement and official. This section has been breached by the defendants and their officials for airing terrorism on the life of this plaintiff and by the hired public, assailants/assassins and others.
 - xviii. Sexual offences by the CBSA (see incident H) staff and by the Toronto Police Service constables under duress in 2007 and 2008 respectively (see incident J). This calls for the breach of the Criminal code as well. Heavy volumes of civilian women are being used to target the sex life of this plaintiff; become false witnesses and affiants, target lawfully making a family etc. See also women organized crime report sent to the Toronto Police Chief and the defendants in Exhibit V.
 - xix. Remained detached from the outcome of several reported assaults and attacks conducted by the armed hired assailants/assassins targeting this plaintiff
 - xx. Caused damages in the amount of the Canadian equivalent of 500M USD for breaching the Canadian Human Rights Act.
- b. The plaintiff claims from the defendant, Prime Minister of Canada Justin Trudeau (the present incumbent):
- i. A declaration that the Federal Ministers of Public Safety Ralph Goodale Previous), William Blair (present incumbent) failed to do their job of protecting and providing the safety and security of life to the plaintiff as clearly stated in the Constitution Act and in the Charter despite unprovoked repeat armed attacks by the hired assailants/assassins, unprovoked assaults, life and murder threats etc. Most of these threats were clearly reported to the Prime Minister of Canada Justin Trudeau, both Ministers of Public Safety and others who were directly reporting to the defendant

Justin Trudeau including the Ministers of Justice Jody and Lametti. These armed attacks were also directly reported to the criminals, Toronto Police Chief Mark Saunders and ex-incumbent William Blair now the disgruntled Federal Minister of Public Safety. William Blair was a piece of shit as the Toronto Police Chief and is a known con-man to this plaintiff. Making such a con-man the Federal Minister of Public Safety is a disgrace to the so called free land of Canada and its Constitution. John McCallum cannot be spared either, this plaintiff met with McCallum several times during 2009-2010 time frame regarding several attacks, involvement and organized crime of the Federal offices (e.g. CBSA) and the police besides several other issues directly connected to the safety and security of life of this plaintiff but McCallum shat the bed.

- ii. A declaration that the Prime Minister of Canada and the defendant Justin Trudeau and staff, his relevant ministers and agents failed to take any measures or steps or conduct any investigations whatsoever into the repeatedly reported armed attacks and assaults by the hired assailants/assassins attempting to kill, murder and life threaten this plaintiff which is a direct violation of the Constitution Act and the Charter.
- iii. A declaration that the Governments of Canada (HMQ) during the Stephen Harper era and in the defendant Justin Trudeau era failed to comply with the constitutionally stipulated protocol of protecting the life and provision of the safety and security of life to this plaintiff.
- iv. A declaration that the defendant Justin Trudeau and his Government failed to apply the rule of law and aired organized terrorism in conjunction with the organized crime and terrorist proxy networks of civilians targeting this plaintiff.
- v. A declaration that the defendant Prime Minister Justin Trudeau and his Government including the Stephen Harper Government operated contrary to the Constitution Act and S. 1, 7, 12, 15(1), 6(1), 6(2), 10 etc. of the Charter by failing to stop the armed attacks, life threats and assaults and by

failing to take any measures to offset such a heinous organized crime and by failing to provide or at least acknowledge such criminal violations of the Constitution Act and the Charter. Further, no safety and/or security of life was provided to the plaintiff despite repeat and continuous reporting of several armed attacks, stalking and illegal surveillance incidents, murder threats, sexual harassment by the Canadian officials, false arrests, assault and battery etc. by the defendant Prime Minister, his Ministers and agents, and his Government including the law enforcement.

- vi. A declaration that the defendant Justin Trudeau and his Government have flimsy understanding of the law and their responsibilities and that of the Constitution and the Charter, or alternatively they are simply look busy do nothing Charlatans who failed to protect this plaintiff's right to life, liberty and security per S.7 and the Constitution Act.

[9] Based on the above, the Plaintiff is seeking damages. I have summarized his claims as follows:

- a. for misfeasance in the public office, malfeasance in the public office, nonfeasance in the public office, conspiracy, negligence, criminal negligence, assault and battery, harassment, organized crime and terrorism, attempted murder, murder threats, use of firearms (guns), use of other weapons (knives etc.) and criminal harassment damages in the amount equivalent of 500M USD or the Canadian equivalent from all defendants.
- b. damages for breaches of the *Constitution* and the *Charter* in the amount of the Canadian equivalent of 500M USD from all defendants.
- c. damages for breach of the *Canadian Human Rights Act* in the amount of the Canadian equivalent of 500M USD.
- d. general, aggravated, punitive and exemplary damages for the and infliction of emotional distress. These damages are being sought in the amount of the Canadian equivalent of 500M USD from all defendants.
- e. Special damages to be quantified.

[10] In addition, the Claim states that the Plaintiff is seeking the following injunctive relief:

- (b) Interim, interlocutory and permanent injunctions directing all defendants, to:
 - i. Refrain from targeting, attacking and assaulting this plaintiff and restrain their departments, officers, agents and the public who are the constitutional and statutory responsibility of the defendants and are directly or indirectly the responsibility of the state of Canada and the Defendants from doing the same.
 - ii. Restraining public and public proxy organized crime networks and hired assailants/assassins from using firearms and other weapons to assault and attack this plaintiff.
 - iii. Restraining public and public proxy organized crime networks and hired assailants from assaulting and attacking this plaintiff without firearms.
 - iv. Restraining the defendant's departments, public and public proxy organized crime networks and hired assailants/assassins from stalking and running gang based illegal surveillance targeting this plaintiff. This includes the use of IT, magic and spirits.
 - v. Finding the root cause of several armed attacks and assaults which targeted this plaintiff via the hired assailants/assassins.
 - vi. Conduct an immediate federal investigation into the matters entailing several armed and other attacks by the hired assailants/assassins leading to their arrests. The results and progress of this investigation will be reported to this court for further input and instructions. This court may form a Federal Commission to conduct this investigation.
 - vii. Conducting a federal investigation to find and determine the root cause of these armed and other attacks by the hired assailants.
 - viii. Provide a safe house to this plaintiff with all the contemporary amenities, location will be the neighborhood of this plaintiff' S choice. The market value of this house will be no less than the Canadian equivalent of 5M USD. Defendants' provided

security and surveillance will be installed on the premises in consultation with this court and the plaintiffs. This court may note that w.r.t. the incidents L and M, 911 was activated, police reports 228554 and 443868, incidents happened inside the living space of this plaintiff. This injunction is paramount.

- ix. Provide a stipend to the plaintiff commensurate to carry on with his life elegantly without getting engaged in any self-employment and/or employment keeping in mind the state of affairs of the reported terrorist Canadian community and the safety and security of life of this plaintiff, please see the letter written to the Toronto Real Estate Board President (Exhibit O, sent in 2014) and the email to the Premier Dalton McGuinty (Exhibit P, sent in 2007). This court cannot ignore the state of mind of this organized crime. In this action this plaintiff has only brought elements of the breached safety and security of life while refraining from discussing women and employer based heavy organized crime. considering significance, public importance, clarity and focus.
- x. Provide meaningful matrimonial relations and prospects consistent with the taste and choice of this plaintiff which is paramount to lawfully making a family in the midst of heavy organized crime and especially heavy women organized crime. Time is of essence.
- xi. Provide safe neighborhood and harassment free mobility to the plaintiff throughout Canada.
- xii. Provide 4 private investigators from 2 separate top of the line Toronto and Ottawa based firms. These private investigators will be replaced, hired and fired by this plaintiff on his discretion.
- xiii. Provide 2 senior legal counsels to prepare and follow through all legal actions wall to wall w.r.t. this organized crime, against the state and the public representing this plaintiff.
- xiv. Sign guarantee that no such attacks armed or not, assaults, stalking and surveillance or occurrences of

the sort will target this plaintiff by the hired assailants and public and/or the defendants' departments in the future. In the case of repeat occurrence, after the successful disposition of this injunction and case, the defendants will be liable in the amount equivalent to 500M USD without any further ado and litigation. This guarantee is seconded by the Constitution Act and the Charter. This guarantee is the Supreme Law of Canada.

- xv. Restraining from authorizing, inducing or assisting departments and public, to do any of the aforesaid criminal acts and violations.

D. *The Alleged Incidents*

[11] Paragraphs 15 to 46 of the Claim detail a series of alleged incidents that the Plaintiff states are evidence of the criminal conspiracy against him [collectively the Incidents]. They occurred in Toronto and I have summarized them as follows:

1. **Incident A:** November 17, 2019 at the Yonge-Eglinton subway station: a man who was going the wrong way on an escalator knocked the Plaintiff sideways and told the Plaintiff “we will kill you.”
2. **Incident B:** June 25, 2019 at Finch Ave. and Eldora Ave.: two Korean assailants, one with a gun, attacked the Plaintiff and stole his camera.
3. **Incident C:** November 28, 2019 at the Metro grocery store at the Yonge-Eglinton subway station: a woman who the Plaintiff described as a “snitch” and a “prostitute” was racing to exit the store through an entrance gate. She bumped the Plaintiff with her cell phone as she passed him.
4. **Incident D:** September 12, 2018 at the Yonge-Eglinton subway station: a bald man made “fierce eye contact” with the Plaintiff and later exited the subway at the same time as the Plaintiff at the Finch station.
5. **Incident E:** August 14, 2018, Yonge St. and Empress Ave.: two Korean men attempted to murder the Plaintiff; one engaged him in verbal dispute while the other tried to injure the Plaintiff’s windpipe and knocked him to the ground.
6. **Incident F:** April 23, 2018 at Yonge St. and Finch Ave.: The Plaintiff was near this intersection shortly before an attack occurred, in which a man driving a van

drove down Yonge St. and killed ten people. The Plaintiff believes he was the target.

7. **Incident G:** February 23, 2018 at Yonge St. and Finch Ave.: two black men walked past the Plaintiff near his residence and showed him that they carried a gun.
8. **Incident H:** May 30, 2007 at the Detroit-Windsor border crossing: CBSA staff sexually harassed the Plaintiff by making unwanted sexual advances.
9. **Incident I:** February 2008 in Toronto: the Plaintiff was arrested on three counts of criminal harassment and held in custody for ten days. The charges were later dropped following the negotiation of a Peace Bond. According to the Plaintiff the arrest was false and was the result of a conspiracy between Toronto Police Officers and members of the Toronto Fire Department.
10. **Incidents J:** On December 17, 2008 in Toronto: the Plaintiff says that he was arrested after a female police officer falsely claimed that he had hit her with his car. He claims that he was sexually harassed by one of the female officers who arrested him. Further, on December 24, 2008, he was punched, hit with a pointed stick and sexually assaulted by police officers who arrested him at his residence.
11. **Incident K:** September 2008 in Toronto: the Toronto Fire Chief threatened to murder the Plaintiff by way of YouTube comments on the Plaintiff's profile.
12. **Incident L:** 2015 in the Plaintiff's Toronto residence: the Plaintiff was assaulted by a hired assailant with a knife.
13. **Incident M:** 2015 in the Plaintiff's Toronto residence: the Plaintiff was assaulted by another hired assailant.
14. **Incidents N:** 2011 in Toronto: the Plaintiff was threatened at a charitable fundraiser at a Toronto club. As well, in 2013, an attendee at an event at Liberty Village tweeted defamatory statements about the Plaintiff's conduct towards women.

[12] The Claim includes further allegations which I have summarized below:

- i) That even though the Plaintiff reported the Incidents to the Federal Minister of Public Safety, the Minister of Justice, the Prime Minister, the Chief Justice of Canada, CSIS and the Toronto and Markham Chiefs of Police, no measures were taken to protect the Plaintiff. His rights under Sections 7, 12 and 15(1) of the *Charter* were therefore infringed by this misfeasance on the part of public officials.
- ii) That the Defendants and their Ministers and agents have agreed with the United States to murder the Plaintiff.

- iii) That the Defendants and their Ministers and agents (the Toronto Police) have falsely charged, assaulted and arrested the Plaintiff.
- iv) That CBSA is guilty of misfeasance in public office by sexually harassing and threatening the Plaintiff's life in conjunction with the FBI.
- v) That a large number of women were hired to jeopardize his life, family plans and sexual well-being.
- vi) That the conspiracy between Canada and the US involved the following as described in paragraph 6 of the Claim:

. . . targeting this plaintiff in the form of armed attacks via hired assailants and assassins, unprovoked attaches, criminal harassment, murder threats by hired assailants and the public, false imprisonments, assault and battery, sexual harassment via CBSA and police women, CBSA harassment and collusion, police collusion and organized crime, false public witnesses, heavy women organized crime to sexually and otherwise target this plaintiff, stop on lawfully making a family, stop on self-employment, use of magic and spirits, use of IT to steal intellectual property and stop engineering and other software etc. . . .

- vii) That the Defendants and their Ministers and the Toronto Police Chief are guilty of criminal negligence under Section 219(1) of the *Criminal Code* and breaches of Sections 85-92, 95, 96, 103 and 104 of the *Criminal Code* as well as breach of Section 83 (Terrorism) is alleged.
- viii) That the Defendants and their Ministers and agents were negligent because they failed to protect the Plaintiff.
- ix) Breaches of the *Constitution Act*, the *Canadian Human Rights Act*, the *Criminal Code*, the *Citizenship Act* and the *Multiculturalism Act* are alleged.

II. Issue

[13] The sole issue is whether the Statement of Claim should be struck in its entirety without leave to amend.

III. Analysis

A. *The Test*

[14] The test for determining whether the Claim may be struck was described in detail by Mr. Justice Brown in reasons given on a similar motion dealing with a similar action brought by the Plaintiff in 2017. In *Asghar v Canada*, 2017 FC 947, Brown, J said:

[10] Rule 221(1) of the *Federal Courts Rules* provides that a defendant may bring a motion to strike all or some of a pleading on the following grounds:

Motion to strike

221 (1) On motion, the Court may, at any time, order that a pleading, or anything contained therein, be struck out, with or without leave to amend, on the ground that it

- (a) discloses no reasonable cause of action or defence, as the case may be,
- (b) is immaterial or redundant,
- (c) is scandalous, frivolous or vexatious,
- (d) may prejudice or delay the fair trial of the action,
- (e) constitutes a departure from a previous pleading, or
- (f) is otherwise an abuse of the process of the Court, and may order the action be dismissed or judgment entered accordingly.

Requête en radiation

221(1) À tout moment, la Cour peut, sur requête, ordonner la radiation de tout ou partie d'un acte de procédure, avec ou sans autorisation de le modifier, au motif, selon le cas :

- a) qu'il ne révèle aucune cause d'action ou de défense valable;
 - b) qu'il n'est pas pertinent ou qu'il est redondant;
 - c) qu'il est scandaleux, frivole ou vexatoire;
 - d) qu'il risque de nuire à l'instruction équitable de l'action ou de la retarder;
 - e) qu'il diverge d'un acte de procédure antérieur;
 - f) qu'il constitue autrement un abus de procédure.
- Elle peut aussi ordonner que l'action soit rejetée ou qu'un jugement soit enregistré en conséquence.

[11] The well-established test to strike a pleading under Rule 221(1) of the *Federal Court Rules* as disclosing no reasonable cause of action is whether it is plain and obvious on the facts pleaded that the action cannot succeed: *Hunt v Carey Canada Inc*

[1990] 2 SCR 959. This is described by Russell J in *Sivak v R*, 2012 FC 272 [*Sivak*] at para 15:

[15] The test in Canada to strike out a pleading under Rule 221 of the Rules is whether it is plain and obvious on the facts pleaded that the action cannot succeed. In this regard, the Supreme Court of Canada has noted that the power to strike out a statement of claim is a “valuable housekeeping measure essential to effective and a fair litigation.” See *Hunt v Carey Canada Inc*, [1990] 2 SCR 959 and *R v Imperial Tobacco Canada Ltd*, 2011 SCC 42, at paragraphs 17 and 19.

[12] Pursuant to *Sivak* at para 16, the following principles are to be considered in determining whether a cause of action exists:

- (a) The material facts pled are to be taken as proven, unless the alleged facts are based on assumptive or speculative conclusions which are incapable of proof;
- (b) If the facts, taken as proven, disclose a reasonable cause of action, that is, one with some chance of success, then the action may proceed; and
- (c) The Statement of Claim must be read as generously as possible, with a view to accommodating any inadequacies in the form of the allegations due to drafting deficiencies.

See *Operation Dismantle Inc v Canada*, [1985] 1 SCR 441

[13] Snider J stated the following as to what constitutes an action that is scandalous, frivolous and vexatious in *Kisikawpimootewin v Canada*, 2004 FC 1426 [*Kisikawpimootewin*] at para 8:

[8] As stated in *Ceminchuk*, *supra*, at para. 10:

A scandalous, vexatious or frivolous action may not only be one in which the claimant can present no rational argument, based upon the evidence or law, in support of the claim, but also may be an action in which the pleadings are so deficient in factual material that the defendant cannot know how to answer, and a court will be unable to regulate the

proceedings, is an action without reasonable cause, which will not lead to a practical result.

[15] In addition to the points reviewed by Mr. Justice Brown, I would add that a Statement of Claim can be struck for failure to raise justiciable issue.

IV. Discussion

[16] The Defendants' position was that all the allegations in the Claim failed to disclose a reasonable cause of action for one or more of the reasons given below:

- The Claim failed to allege that federal Crown servants committed torts.
- The Claim raised issues which are not justiciable.
- The Claim was scandalous, frivolous or vexatious.
- The Claim was based on actions barred by relevant limitations legislation.

I will discuss each matter in turn.

[17] According to Section 3 of the *Crown Liability and Proceedings Act*, RSC 1985, c C-50, the Defendants are only vicariously liable for torts committed by federal Crown servants. This provision means that claims which involve members of the FBI, public officials at the provincial and municipal levels (such as Toronto Police and Fire Fighters) and members of the public disclose no reasonable cause of action against the Defendants.

[18] The Plaintiff repeatedly discusses a cross-border conspiracy to injure or kill him. As examples, see the Claim at paragraphs 50 and 59. A criminal conspiracy is not a tort.

[19] Further, many of the Plaintiff's other claims are not based in tort. For example:

- Harassment is not a tort: *Merrifield v. Canada (Attorney General)*, 2019 ONCA 205, at paras 37-43
- Sexual harassment is not a tort: *Lorian v. 1163957799 Quebec Inc.*, c.o.b. as *Calypso Water Park et al.*, 2015 ONSC 2417 (S.C.J.), at para 24-27, *Rivers v. Waterloo Regional Police Services Board*, 2018 ONSC 4307 at para 54-57
- Non-feasance in public office is not a tort: *Brummell v. Ontario (Attorney General)*, 2014 ONSC 486 at para 52
- Criminal negligence is not a tort
- Breaches of statutes are not torts: *The Queen (Can) v. Saskatchewan Wheat Pool*, [1983] 1 S.C.R. 205 at 227
- The *Canadian Human Rights Act* does not create a tort: *Chopra v. Canada (Attorney General)*, 2007 FCA 268, at para 36
- The *Criminal Code* does not create torts: *Dingemans v. Hydro One Networks Inc.*, 2019 ONSC 103, at para 26
- If a duty of care could not exist there is no tort

[20] Although breach of statute is not a tort, a breach of a statute which causes damages may be evidence of negligence: *The Queen (Can) v Saskatchewan Wheat Pool*, [1983] 1 S.C.R. 205 at 227. However, with respect to the *Charter*, the *Citizenship Act*, the *Canadian Human Rights Act*, the *Multiculturalism Act* and the *Criminal Code*, no pleading of evidence of negligence appears in the Claim.

[21] The Plaintiff also claims that there have been failures to protect him and failures to investigate his reports of the Incidents. However, according to the framework established by the Supreme Court of Canada for determining whether a duty of care exists, i.e. foreseeability, proximity and policy dictates, it is clear that there can be no duty on the Crown to protect the Plaintiff at all times. For the same reason it is also clear that, once the Plaintiff's reports were

received by those listed in paragraph 47 of the Claim, there could be no duty to investigate the Incidents.

[22] The Claim will not disclose a reasonable cause of action if the matters raised are political in nature and are not justiciable. This problem arises in connection with allegations in paragraph 69 of the Claim and the request that the Court order that the Prime Minister, Federal Government Ministers and Municipal officials be arrested and dismissed for failing to perform their duties.

[23] The Claim will not disclose a reasonable cause of action if the matters raised are scandalous, frivolous and vexatious either because they are not supported by material facts to support allegations made or because they cannot be answered. This problem is particularly acute in this Claim in relation to the allegations of conspiracy, misfeasance in office, breaches of Charter rights and the intentional infliction of mental distress.

[24] The following specific allegations are frivolous and vexatious:

- That the Canadian and US governments are conspiring to target him;
- That Canada is using a proxy network of civilians to target the Plaintiff;
- That Canada sponsored organized terrorism against the life of the Plaintiff;
- That Canada failed to stop organized crime proxy networks and/or armed assailants/assassins from conducting armed attacks against the Plaintiff;
- That members of the public are guilty of planning the Plaintiff's murder and that the Defendants either participated in those plans or failed to stop them;
- That the federal and Ontario governments are shameless, corrupt and crime minded;
- That the Prime Minister is a criminal and a hypocrite and that the government is full of criminals;

- That Ministers of the Crown and their agents have formed a verbal agreement with the US to kill the Plaintiff;
- That former Prime Minister Harper is corrupt;
- That Ministers of the Crown have failed to fulfill their mandate letters;
- That the Canadian government sponsors US terrorism;
- That Canada uses women to sexually target the Plaintiff;
- That heavy volumes of civilian women are being used to target the Plaintiff's sex life;
- That the Defendants and the public have stopped the Plaintiff from lawfully making a family;
- That the Defendants and the public have stopped the Plaintiff from having sex;
- Spirits and magic have been used to steal the Plaintiff's property;
- That the unidentified male person with whom the Plaintiff purportedly made contact with in November 2019 on a subway escalator is a hired assassin;
- That the two unidentified male persons with whom the Plaintiff purportedly had a physical altercation with in June 2019 were hired assassins;
- That the unidentified male person who purportedly tried to pick a fight with the Plaintiff on subway platform in September 2018 was an actor in the conspiracy;
- That the two unidentified male persons who purportedly tried to murder the Plaintiff near Yonge and Empress in August 2018 were hired assailants;
- That the incident in April 2018 -- wherein a person driving a mini-van drove down Yonge Street in Toronto and killed ten pedestrians - was really an attempt on the Plaintiff's life; and
- That the two unidentified males - one of whom was purportedly carrying a gun - who crossed close to the Plaintiff on the street in February 2018 were hired assassins.

[25] Many of the Incidents occurred outside the two year limitation period applicable to torts in Ontario and the six-year period for causes of action arising other than in a province (see

Section 32 of the *Crown Liability and Proceedings Act* and Section 4 of the Ontario *Limitations Act*, SO 2002, c. 24, Sch B).

V. Conclusion

[26] It was plain and obvious for the various reasons given above that the causes of action advanced in the Claim could not succeed.

"Sandra J. Simpson"

Judge

Ottawa, Ontario
December 8, 2020

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-219-20

STYLE OF CAUSE: SAJJAD ASGHAR v HER MAJESTY THE QUEEN IN
RIGHT OF CANADA, THE PRIME MINISTER OF
CANADA JUSTIN TRUDEAU

PLACE OF HEARING: BY TELECONFERENCE IN TORONTO, ONTARIO

DATE OF HEARING: OCTOBER 29, 2020

REASONS FOR ORDER: SIMPSON J.

DATED: DECEMBER 8, 2020

APPEARANCES:

Sajjad Asghar

FOR THE PLAINTIFF
(ON HIS OWN BEHALF)

M. Anderson

FOR THE DEFENDANTS

SOLICITORS OF RECORD:

Attorney General of Canada
Toronto, Ontario

FOR THE DEFENDANTS