

**CITATION:** *Amikwabi v. Pope Francis*, 2021 ONSC 1069  
**COURT FILE NO.:** CV-21-85478  
**DATE:** 2021/02/10

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** Stacy Amikwabi, Shawn Brennan, George Fayad, Joshua Alas-Wilson,  
Alisa Tojcic, Jane Doe, John Doe, Plaintiffs

**AND**

Pope Francis, The Holy See, The State of the Vatican, The Society of  
Jesus, HM Queen Elizabeth II, The Order of the Garter, The House of  
Windsor (Formerly Saxe Cobourg Gotha), Global Vaccine Alliance  
(GAVI), the UN's World Health Organization/Public Health  
Organization of Canada, Bill and Melinda Gates Foundation, Prime  
Minister Justin Trudeau, Dr. Theresa Tam, Premier Doug Ford, Christine  
Elliott, Mayor Jim Watson, Attorney General of Canada, The Attorney  
General for Ontario, Defendants

**BEFORE:** Justice Sylvia Corthorn

**COUNSEL:** Michael Swinwood and Liza Swale, for the Plaintiffs

Rika Sawatsky, for the Defendants, Premier Doug Ford, Christine Elliott, and the  
Attorney General for Ontario

Stuart Huxley, for the Defendant, Mayor Jim Watson

No one appearing for the remaining Defendants

**HEARD:** In writing

**ENDORSEMENT**

[1] In a letter dated January 28, 2021 addressed to the Registrar of this court (“the Provincial Letter”), counsel for Premier Doug Ford, Christine Elliott, and the Attorney General of Ontario<sup>1</sup> (the “Provincial Parties”) requested the dismissal of the action against them pursuant to r. 2.1.01 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 (“*Rules*”). The Provincial Letter came before the court on February 2, 2021.

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<sup>1</sup> This defendant is described in the title of proceeding as “The Attorney General for Ontario” and, in the Letter, as “Attorney General of Ontario”.

[2] In a letter dated February 3, 2021 addressed to the Registrar of this court (“the Municipal Letter”), counsel for the defendant, Mayor Jim Watson, requested the dismissal of the action against the Mayor and, under r. 2.1.01(6), the dismissal of the action in its entirety. The Municipal Letter came before the court on February 9, 2021.

[3] A copy of the statement of claim, electronically issued on January 11, 2021 (“the Pleading”), is included with both the Provincial Letter and the Municipal Letter.

### ***The Statement of Claim***

[4] The Pleading is 124 pages long. The substantive portion is set out in the first 75 pages of the document. The balance of the Pleading is titled “Schedule A”.

[5] Schedule A is a copy of an open letter with the heading, “The Chinese Communist Party’s Global Lockdown Fraud”. The authors of the open letter are identified as including two attorneys, a physician, a retired brigadier general, a lawyer, a former Commissioner for an Indian State Government, a person described as an “Activist, Author and Broadcaster”, and the MPP for Lanark, Frontenac, & Kingston, Randy Hillier. The open letter is addressed to the Federal Bureau of Investigation (“FBI”) and copied to U.K. Security Service and the Canadian Security Intelligence Service, amongst others. Following the 255 footnotes to the letter is a statement that the letter was “submitted” on January 10, 2021.

[6] The plaintiffs bring the action under the *Class Proceedings Act*, 1992, S.O. 1992, c. 6. At para. 2 of the Pleading, the class is described as,

... all persons resident in Canada whose fundamental rights and freedoms have been suspended and/or infringed by the questionable and high-risk actions of the Federal, Provincial, and Municipal Governments under the rubric of emergency Covid-19 response to a global pandemic declared by the World Health Organization ...

[7] The Pleading includes a three-paragraph overview of the plaintiffs’ claims. In summary, the plaintiffs seek relief based on the alleged vicarious liability of several levels of government because of their unequivocal adoption of guidelines and recommendations put forward by the World Health Organization (“WHO”). The plaintiffs allege that, in adopting those guidelines and recommendations, the governments acted without lawful authority (a) in breach of the *Charter of Rights and Freedoms*, s. 8, Part 1 of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11, and (b) in violation of the terms and provisions of the *Crimes Against Humanity and War Crimes Act*, S.C. 2000, c. C.24.

[8] In the context of the plaintiffs' constitutional challenge, they seek several forms of declaratory relief alleged to be required on an urgent basis.<sup>2</sup>

[9] The plaintiffs also seek pecuniary and special damages of \$1,000,000 for each class member; non-pecuniary damages to be assessed per class member; and punitive, aggravated and exemplary damages in the amount of \$35 Billion. The causes of action upon which the plaintiffs rely in support of their claims for damages include "negligence, breach of fiduciary duty, malfeasance in office, unlawful confinement, and conspiracy ... breaches of customary international law, prohibitions against crimes against humanity, cruel, inhuman or degrading behaviour, and torts of genocide and apartheid."<sup>3</sup> The plaintiffs divide the harms which they allege they have suffered into two categories: "inherent harms" and "actual harms".<sup>4</sup>

[10] The alleged inherent harms include the suspension of fundamental rights and freedoms, the loss of confidence in governments, the loss of bodily autonomy, and a breakdown of communication between governments and their constituents.<sup>5</sup> The actual harms alleged are specific to the individually-named plaintiffs. These harms include financial losses, an impeded quality and quantity of life, and, more generally, adverse affect.<sup>6</sup>

[11] The Pleading includes a brief description of each of the individually-named plaintiffs. The descriptions identify where the plaintiff resides, their circumstances in life, and some of the ways in which they have been affected during the COVID-19 pandemic.<sup>7</sup>

[12] The plaintiff, Jane Doe, is described as "a mother who gave birth since the implementation of the Covid-19 protocols and regulations" and as standing "as representative for all new mothers since March 12, 2020, and their children, who have been harmed by the Covid-19 protocols and regulations."<sup>8</sup> The plaintiff, John Doe, is described as "a construction worker in the Ottawa area" and as standing "as representative for all persons who have been harmed by the Covid-19 protocols and regulations and the enforcement thereof by the issuing of tickets and fines."<sup>9</sup>

[13] The Pleading includes a description of each of the named defendants and a summary of the basis for the claims against them. The claims against the Provincial Parties are set out at paras. 31, 32, 33 and 36 of the Pleading as follows:

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<sup>2</sup> The Pleading, at para. 175. Unless otherwise stated, all paragraph numbers cited in the footnotes refer to a numbered paragraph in the Pleading.

<sup>3</sup> Para. 176.

<sup>4</sup> Para. 165.

<sup>5</sup> Para. 171.

<sup>6</sup> Para. 173.

<sup>7</sup> Paras. 6-10.

<sup>8</sup> Para. 11.

<sup>9</sup> Para. 12.

31. The Defendant Doug Ford, is the current Premier of Ontario, and as such is a holder of public office. The Premier of Ontario adopted the recommendations of the World Health Organization and declared a state of emergency. Subsequently, the Premier has advanced the implementation of actions, laws, and regulations, which have resulted in harms to the general public on the basis of unquestioned scientific and medical opinions put forward by the World Health Organization and its affiliates. The Premier is responsible for adopting principles based on international organizations that suspend and infringe the fundamental rights and freedoms of the Canadian public. Isolation is defined as torture and qualifies as a crime against humanity.
32. The Defendant Christine Elliott, is the current Minister of Health and Long Term Care. During a conversation caught on camera between Dr. Barbara Yaffe, Associate Chief Medical Officer of Health and Dr. David Williams, Ontario's Chief Medical Officer of Health, recorded in the Parliament of Ontario Press Room, the following exchange occurred, wherein Barbara Yaffe exclaimed:

I don't know why I bring all those papers. I never look at them, I just say whatever they write down for me.
33. The Plaintiffs submit that as Minister of Health and Long Term Care, the Defendant holds a duty to the Plaintiffs and the Canadian Public in general, that requires due diligence in her public office and responsibilities.
36. The Defendant, Attorney General for Ontario, is the Chief Legal Officer of the Province of Ontario. The Attorney General for Ontario is a public office holder and is required to be named as a Defendant in any action for declaratory relief. The Attorney General for Ontario is statutorily and constitutionally liable for the acts and omissions of officials.

[14] In addition, the plaintiffs allege that each of Premier Doug Ford and the Honourable Christine Elliott "can be held responsible and liable within their roles as 'superiors' for the harms associated with the Covid-19 emergency response and vaccine rollout."<sup>10</sup>

[15] The only paragraph devoted specifically to Mayor Watson is para. 34, as follows:

34. The Mayor of the City of Ottawa, Jim Watson, oversees the Municipal Regulations on the COVID-19 measures and is liable for harms directly associated with the implementation and enforcement of the Covid-19 protocols and measures undertaken.

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<sup>10</sup> Para. 161.

[16] The plaintiffs allege that Canada is “in a state of constitutional crisis.”<sup>11</sup> The Pleading is replete with allegations of infringement of fundamental rights and freedoms prescribed in the *Charter*. As already noted, the claims are grounded in the ways and degree to which the various levels of government have followed and/or implemented guidelines and recommendations from the WHO. Matters addressed in the Pleading include emergency response protocols and vaccination programs.

[17] At para. 47, the plaintiffs state that “to fully understand the Plaintiffs’ and Class Members position, a brief review of Canada’s unique constitutional relationship as a member of the Commonwealth Nations of the British Empire, is essential.” That review is set out in the six pages and 11 paragraphs that follow. The review includes references to the *British North America Act, 1867*, the *Magna Carta (1297)*, the *English Petition of Rights (1627)*, and the decision of the Supreme Court of Canada in *Reference re Secession of Quebec*, 1998 CarswellNat 1299.

[18] The next sections of the Pleading address the plaintiffs’ allegations that the federal, provincial, and municipal governments, and their representatives, lack authority to “use and apply” the WHO recommendations and guidelines.<sup>12</sup> Under headings such as “Legislative Authority” and “Historical Overview”, the plaintiffs refer to the *Constitution Act*, English history dating back to 1309, actions taken by Edward II in 1322, the “Glorious Revolution of 1688”, and the “Bill of Rights, 1689”. This section of the Pleading concludes with the following allegation:

The Plaintiffs and Class Members submit that when politicians bypass Parliament and the Legislature to pronounce emergency measures based on “a pandemic declared by the World Health organization”, they commit acts designed to exempt parliamentary debate specifically forbidden by the English Bill of Rights in 1689.<sup>13</sup>

[19] The next section of the Pleading includes the plaintiffs’ allegations that the defendants failed to follow due process. Once again, a historical overview is provided in support of the plaintiffs’ claims. This overview dates back to 1213, King John the 1<sup>st</sup>, and an alleged “Concession to Pope Innocent III”. This overview includes references to the Rothschilds in 1880, and an allegation that a financial relationship developed between the Rothschilds, the Pope, and the Vatican has “underscored global politics and the economy since its inception.”<sup>14</sup>

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<sup>11</sup> Para. 37.

<sup>12</sup> Para. 60.

<sup>13</sup> Para. 69.

<sup>14</sup> Para. 76.

[20] This historical overview includes references to the Society of Jesus, the Jesuits, the Indian Residential Schools Settlement Agreement, the Order of the Garter (founded in 1348 by King Edward III), the opening of St. George’s House in 1966 by Queen Elizabeth II, the resumption of the Royal Maundy Service at the Royal Chapel (in 1959), and the Usher of the Black Rod. This section of the Pleading concludes, in part, with an allegation that “[t]he Papal encyclica and establishment of Councils are the continued efforts to force nations to relinquish sovereignty and democratically guaranteed rights and freedoms while subtly attacking our Constitutional orders.”<sup>15</sup>

[21] The final section of the Pleading is titled “COVID-19 Factual Overview”. This section starts on March 12, 2020, with the declaration by the WHO of a global pandemic. The overview continues with descriptions of events alleged to have occurred up to and including November 20, 2020. The only one of the Provincial Parties whose name appears in this chronology is Premier Ford.

[22] The allegations therein specific to Premier Ford are as follows:

March 17, 2020 Pursuant to provincial legislation, he declared an Emergency;<sup>16</sup>

June 9, 2020 Together with Prime Minister Trudeau, Premier Ford was not willing and refused to disclose the medical advice, including the source of that advice, upon which he was acting;<sup>17</sup> and

June 18, 2020 Premier Ford announced an “upcoming up-step and acceleration” of the implementation of contact tracing surveillance through cell phones.<sup>18</sup>

[23] The plaintiffs identify several categories of alleged wrongdoings on the defendants’ part and provide particulars of the allegations with respect to each category. Those categories are as follows:

- “Unequivocally adopting international guidelines and recommendations put forward by the World Health Organization through Orders-In-Council without lawful authority and due process”;<sup>19</sup>

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<sup>15</sup> Para. 94.

<sup>16</sup> Para. 100.

<sup>17</sup> Para. 119.

<sup>18</sup> Para. 121.

<sup>19</sup> Paras. 126-129.

- “Implementing international guidelines and recommendations through legislation which suspend[s] and infringe[s] the Plaintiffs’ fundamental rights and freedoms as set out in the *Canadian Charter of Rights and Freedoms*”;<sup>20</sup> and
- “Knowingly and willfully advancing, promoting, adopting and manufacturing Covid-19 protocols, task force response[s] and medical protocols which violate terms and provisions of the *Crimes Against Humanity and War Crimes Act*, (S.C. 2000, c. 24) under the rubric of a state of emergency that is both unconstitutional and unlawful”.<sup>21</sup>

[24] At para. 133 of the Pleading, the plaintiffs list the “sum effect of the orders contained in the Regulations”. The term “Regulations” is not defined in the Pleading. For the purpose of this endorsement, I infer that it refers to regulations which the plaintiffs allege that Premier Ford and other defendants advanced: for example, see para. 31 of the Pleading quoted above.

[25] The alleged “sum effect of the orders contained in the Regulations” includes the shutdown of non-essential businesses, the requirement to socially distance, limitations on the number of people who may attend a gathering, the closure of daycares, schools, and universities, mandatory use of masks, the shut-down of public parks, and the potential for charges to be laid and, on conviction, fines to be imposed.<sup>22</sup> The plaintiffs allege that as a result of these measures their rights pursuant to one or more of ss. 2(a)-(d), 6(1), 7, 8, 25, and 26 of the *Charter* are infringed.

[26] Before dealing with the request under r. 2.1.01, it is helpful to briefly review the substantive test and procedure under that rule.

### ***The Substantive Test Under r. 2.1.01***

[27] Rule 2.1 is a process that permits the court to bring “fair and just resolutions to a particular category of disputes in a proportionate, timely and affordable way”: *Gao v. Ontario WSIB*, 2014 ONSC 6497 (CanLII), at para. 12.

[28] In at least three decisions, the Ontario Court of Appeal has highlighted that dismissal of an action under r. 2.1.01 is a blunt instrument, reserved for the clearest of cases (*Scaduto v. The Law Society of Upper Canada*, 2015 ONCA 733; *Khan v. Krylov & Company LLP*, 2017 ONCA 625; and *Khan v. Law Society of Ontario*, 2020 ONCA 320). At para. 15 of *Khan v. Law Society*, the Court cautioned judges regarding reliance on r. 2.1.01:

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<sup>20</sup> Paras. 130-143.

<sup>21</sup> Paras. 144-164.

<sup>22</sup> Para. 133.

We reiterate that judges should be cautious about allowing parties to have recourse to r. 2.1 except where it is plain and obvious on the face of the pleading that the action is frivolous, vexatious or an abuse of process. There are many other remedies provided for in the *Rules of Civil Procedure* by which parties can deal with cases that are not clear on the face of the pleading.

[29] The principles to be applied by a judge considering a requisition under r. 2.1.01 include, but are not limited to, the following:

- The statement of claim must be read generously. Drafting deficiencies may be overlooked and the plaintiff given the benefit of the doubt if it appears that the action might be viable;
- “[R]ule 2.1 is not for close calls. Its availability is predicated on the abusive nature of the proceeding being apparent on the face of the pleadings themselves”: *Raji v. Borden Ladner Gervais LLP*, 2015 ONSC 801 (CanLII), at para. 8;
- An action should be dismissed under r. 2.1 only if there is “a basis in the pleadings to support the resort to the attenuated process” resulting from the use of the rule: *Raji*, at para. 9;
- The procedure under r. 2.1.01 should not be used as a substitute for a pleadings motion; and
- The procedure is intended to serve the purpose of “nipping in the bud actions which are frivolous and vexatious in order to protect the parties opposite from inappropriate costs and to protect the court from misallocation of scarce resources”: *Markowa v. Adamson Cosmetic Facial Surgery Inc.*, 2014 ONSC 6664 (CanLII), at para. 3.

[30] To determine whether an action may be characterized as “vexatious, frivolous or an abuse of the court” under r. 2.1.01, the court may consider the criteria developed for applications pursuant to s. 140 of the *Courts of Justice Act*. Alternatively, the court may consider the typical characteristics of the form and content of an action brought by a “querulous litigant” as reviewed by Myers J. in *Gao v. Ontario WSIB*, 2014 ONSC 6497 (CanLII), at para. 15.

[31] At para. 9 in *Gao*, Myers J. referred to the definition in Black’s Law Dictionary of “frivolous”: “Lacking a legal basis or legal merit; not serious; not reasonably purposeful”: quoting from *Currie v. Halton Regional Police Services Board*, 2003 CanLII 7815, Ont. C.A., at para. 14.



[32] Care is to be taken, however, not to dismiss an action out of hand simply because the plaintiff has either difficulty communicating their claim or has previously engaged in unsuccessful litigation. See *Gao*, at para. 18:

It should be borne in mind ... that even a vexatious litigant can have a legitimate complaint. It is not uncommon for there to be a real issue at the heart of a vexatious litigant's case. The problem is often that the litigant either cannot properly communicate the concern or, more typically, cannot accept that the law may not provide the remedy sought despite the unfairness felt by the litigant. While rule 2.1 should be applied robustly to bring to an early end to vexatious proceedings, the matters should not be considered lightly or dismissively.

[33] “In *Scaduto, Khan v. Krylov, and Khan v. Law Society*, the Ontario Court of Appeal endorsed the approach taken to r. 2.1.01 in such lower court cases as *Gao* and *Raji*, referenced above.

#### ***The Procedure Under r. 2.1.01***

[34] Under r. 2.1.01(6), the judge considering a request for dismissal of an action under r. 2.1.01(1) may seek written submissions from the parties. When doing so, the procedure set out at r. 2.1.01(3) is followed. Where further submissions would serve no purpose, the judge may waive the requirement for them.

[35] As observed recently by the Court of Appeal in *Khan v. Law Society*, at para. 8, “if, after requesting submissions from the plaintiff as to why the action should not be dismissed under r. 2.1, the court feels it necessary to seek submissions from the defendants (who are seeking the dismissal), the fact that these additional submissions are needed ought to be a good indication that the situation is not one of those clearest of cases where the Rule should be invoked”.

[36] Waiving the requirement for further submissions is the exception, rather than the general rule.

#### ***Claims Made Against Premier Ford, the Hon. Christine Elliott, and the A.G. Ont.***

[37] I return to the Pleading and the claims made against the Provincial Parties.

[38] As noted by Corbett J. in *Humphries v. A.G. Ontario*, 2020 ONSC 4460, at para. 15, “[t]he impact of COVID-19 and our society’s response to it has been and continues to be substantial.” Questions raised about that response are far from frivolous: *Humphries*, at para. 15. In order for Mr. Humphries, the plaintiffs in the present action, or the plaintiffs in any other proceeding, to be permitted to advance such questions in this court, they must state a proper legal claim. For the reasons that follow, I conclude that the claims, as framed by the plaintiffs in this action, are frivolous, vexatious, and an abuse of process within the meaning of rule 2.1.01 and must be dismissed.

[39] I find that, on its face, the Pleading exhibits many of the hallmarks of vexatious and frivolous litigation. The hallmarks exhibited include the following:

- Allegations of broad and sweeping violations of fundamental rights, the reliance on a lengthy pleading (75 pages) and the extensive use of footnotes (116);
- The substantive allegations, when read in their entirety, are repetitive and rambling: *Fleischhaker v. Royal Ottawa Health Care Group and Attwood*, 2020 ONSC 980. The detailed review of irrelevant historical events is one example of the extent to which the allegations are rambling;
- The review of historical events includes references to significantly dated, foreign, or otherwise irrelevant legislation: *Meads v. Meads*, 2012 ABQB 571, at para. 228;
- Links, including in footnotes, to websites and written materials; and
- The attachment of an irrelevant document (i.e., Schedule A to the Pleading).

[40] Judges determining a request under r. 2.1.01 must “allow generously for drafting deficiencies and recognize that there may be a core complaint which is quite properly recognized as legitimate even if the proceeding itself is frivolously brought or carried out and ought to be dismissed”: *Gao*, at para. 18. I find that the core complaint of the plaintiffs in the matter now before the court is their dissatisfaction and disagreement with the manner in which their federal, provincial, and municipal governments have responded and continue to respond to the COVID-19 pandemic. The plaintiffs ask the court to “look deeply at the relationships and agenda that appear to be in the driver’s seat of the global pandemic.”<sup>23</sup> In making that request, the plaintiffs offer the court the assistance of “a World Alliance” in which their lawyers of record participate.<sup>24</sup>

[41] I find that, under the guise of their core complaint, the plaintiffs are attempting to raise constitutional and/or *Charter* issues. Nowhere in the Pleading do the plaintiffs identify a specific statutory or regulatory provision, by citation including section number, and connect that provision to an infringement of one or more of their rights under the *Charter*. In the prayer for relief, the plaintiffs do not identify a statute or regulation, including with citation and section number, upon which they base their claims for declaratory relief. Given the detail in the Pleading, including with respect to legislative and other histories dating back centuries, I find that those deficiencies take the claims for declaratory relief out of the realm of “properly recognized as legitimate” within the meaning expressed by Myers J. at para. 18 of *Gao*.

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<sup>23</sup> Para. 180.

<sup>24</sup> Para. 182.

[42] I find that the plaintiffs' claim for damages is secondary to and advanced under the guise of their core complaint. The importance to the plaintiffs of their core complaint in comparison to the claim for damages is best demonstrated by the plaintiffs' allegations at paras. 175-178. Under the heading, "**CAUSES OF ACTION**",<sup>25</sup> at paras. 176 and 177, the plaintiffs make the following allegations:

176. The Plaintiffs and Class Members will seek damages for breach of domestic torts such as negligence, breach of fiduciary duty, malfeasance in office, unlawful confinement, and conspiracy. The Plaintiffs and Class Members also seek damages for breaches of customary international law, prohibitions against crimes against humanity, cruel, inhuman or degrading behaviour, and torts of genocide and apartheid.

177. The Plaintiffs and Class Members are prepared to provide more particulars regarding causes of action immediately after a hearing on the constitutional challenges.

[43] Some of the causes of action listed in para. 176 are recognizable in law; others identify matters not justiciable before this court and/or in a civil action. The mention of causes of action that are recognizable in law does not assist the plaintiffs in light of the emphasis, throughout the balance of the pleading, on their core complaint.

[44] There is no question that the plaintiffs are aggrieved by the responses, respectively, of their federal, provincial, and municipal governments to the COVID-19 pandemic. The manner in which those grievances are addressed in the Pleading is such, however, that the plaintiffs are not entitled to the remedies that they seek. I find that to require the Provincial Parties to respond to the Pleading, by way of a motion to strike or otherwise, would amount to a "waste of time, money, and resources for all involved": *Gao*, at para. 12.

[45] As noted by Corbett J. at para. 49 of *Humphries*, if called upon to defend this action, the Provincial Parties,

would be required to file voluminous evidence, to engage the time and expertise of experts and senior counsel, all to the substantial expense of the taxpayer. In a proper case, this is one of the costs of living in a constitutional democracy under the Rule of Law. The state should not be put to those costs where [the plaintiff] has not framed a tenable case.

[46] The plaintiffs' claims against the Provincial Parties are dismissed.

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<sup>25</sup> Font bolded and in all upper case letters, as in the Pleading.

***The Claim Against Mayor Watson***

[47] For the reasons set out above with respect to the claims against the Provincial Parties, the claims against Mayor Watson are dismissed.

[48] I pause to note that the consideration that follows of the claims against the remaining defendants is carried out on the court’s initiative and not in response to the Municipal Letter.

***Review on the Court’s Initiative***

[49] What then, to make of the balance of the claims advanced by the plaintiffs?

[50] Under r. 2.1.01(1), a court “may, on its own initiative, stay or dismiss a proceeding if the proceeding appears on its face to be frivolous or vexatious or otherwise an abuse of the process of the court”. I have undertaken such a review with respect to the claims against the defendants other than the Provincial Parties and Mayor Watson.

[51] For the reasons set out above with respect to the claims against the Provincial Parties, I find that the claims against the remaining defendants — Pope Francis, The Holy See, The State of the Vatican, The Society of Jesus, HM Queen Elizabeth II, The Order of the Garter, The House of Windsor (Formerly Saxe Cobourg Gotha), Global Vaccine Alliance (GAVI), the UN’s World Health Organization/Public Health Organization of Canada, Bill and Melinda Gates Foundation, Prime Minister Justin Trudeau, Dr. Theresa Tam, and the Attorney General for Canada — should also be dismissed. It is plain and obvious on the face of the pleading that the action against these defendants is frivolous, vexatious or an abuse of process. The action against these defendants falls squarely within the Black’s Law Dictionary definition of “frivolous”, quoted above, in that it is “[l]acking a legal basis or legal merit; not serious; not reasonably purposeful”.

[52] The remaining defendants should not be put to the costs associated with responding to the plaintiffs’ untenable case. The claims against the remaining defendants are dismissed.

***Disposition***

[53] In the words of Myers J., at para. 18 in *Gao*, a robust application of r. 2.1.01 requires that this action be brought to “an early end”. This action falls into the category of the clearest of cases to which r. 2.1.01 is intended to apply. The action is dismissed in its entirety.

[54] There shall be no costs of the action.

*Madam Justice S. Corthorn*

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Madam Justice Sylvia Corthorn

**Date:** February 10, 2021

**CITATION:** *Amikwabi v. Pope Francis*, 2021 ONSC 1069  
**COURT FILE NO.:** CV-21-85478  
**DATE:** 2021/02/10

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

**RE:** Stacy Amikwabi, Shawn Brennan, George Fayad, Joshua Alas-Wilson, Alisa Tojcic, Jane Doe, John Doe, Plaintiffs

**AND**

Pope Francis, The Holy See, The State of the Vatican, The Society of Jesus, HM Queen Elizabeth II, The Order of the Garter, The House of Windsor (Formerly Saxe Cobourg Gotha), Global Vaccine Alliance (GAVI), the UN's World Health Organization/Public Health Organization of Canada, Bill and Melinda Gates Foundation, Prime Minister Justin Trudeau, Dr. Theresa Tam, Premier Doug Ford, Christine Elliott, Mayor Jim Watson, Attorney General of Canada, The Attorney General for Ontario, Defendants

**BEFORE:** Justice Sylvia Corthorn

**COUNSEL:** Michael Swinwood and Liza Swale, for the Plaintiffs

Rika Sawatsky, for the Defendants, Premier Doug Ford, Christine Elliott, and the Attorney General for Ontario

Stuart Huxley, for the Defendant, Mayor Jim Watson

No one appearing for the remaining Defendants

**HEARD:** In writing

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**ENDORSEMENT**

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Corthorn J.