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Veton Mamudov		
Toronto, ONT		

Court File No.

FEDERAL COURT

Intentional Malfeasance Proceeding

BETWEEN:

NICOLE LEBRASSEUR

Plaintiff

And

HER MAJESTY THE QUEEN

Defendant

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 a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Courts Rules serve it on the plaintiff's solicitor or, where the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court, WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defence is sixty days.

Copies of the Federal Court Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Date:

Issued by: _____
(Registry Officer)

Address of local office: _____

TO: **Her Majesty the Queen**
 Office of the Deputy Attorney General of Canada
 284 Wellington Street
 Ottawa, Ontario K1A 0H8

A. CLAIM

The plaintiff Nicole Lebrasseur claims Human Rights Intentional Malfeasance and:

- a. declare that the Defendant, Her Majesty the Queen, breached its contractual and extra-contractual obligations, its duty of care, and its fiduciary duty;
- b. declare that the Defendant through intentional malfeasance infringed the personal and collective sovereign rights and freedoms of all Canadian people, the citizens by its deliberate omission throughout the Canada Constitution 1867-1982, in section 09 “Executive Power”, sections 91 and 92 and within the Canadian Charter of Rights and Freedoms (“Canadian Charter”);
- c. request general pecuniary and non-pecuniary damages for the Defendant’s breaches of its contractual and extra-contractual obligations, its duty of care, and its fiduciary;
- d. request damages in the amount of ten million dollars (\$10,000,000) to the plaintiff and ten million dollars (\$10,000,000) payable to each Canadian and Indigenous persons pursuant to s. 24 (1) of the Canadian Charter and that the constitution be changed to reflect the Canadian people, citizens as the Sovereigns and being the Executive Power and having Executive prerogative as the official co-owners, shareholders of the Crown and Crown Corporations of Canada by removing the Queen as sovereign and the Government of Canada as holding the executive prerogative;

e. request pre-judgment and post-judgment interest pursuant to the Federal Courts Act, R.S.C., 1985, c. F-7;

f. request that the costs of notice and of administering the plan of distribution of the recovery in this action, plus applicable taxes, pursuant to Rule 334.38 of the Federal Courts Rules, SOR/98-106;

g. request such further and other Relief as to this Honourable Court may seem just.

INTRODUCTION

1. Canada Constitution 1867-1982 is an illegitimate constitution which serves to intentionally usurp of the fundamental personal and collective human rights of Canadians and the personal and collective rights of Indigenous Nations to self-determination and self-governance, political and civil rights as the final decision makers (VETO rights – executive prerogative) as a free people was intentionally neglected from insertion in the Canada Constitution 1867-1982 (Canadian Charter).
2. Since 1867, Canada has been a nationally, internally independent country from the British Colonial Government and Imperial Crown. Canada and its assets belong to both Canadians and the Indigenous nations. Our International independence came via the Statute of Westminster in 1931. However, the Canadian Government has managed to maintain and

enforce colonial control over the Canadian people, Indigenous nations and our financial and natural resources through intentional illicit means.

3. Sovereignty and exclusive executive power in a free democratic Country such as Canada both belong to the People, along with their collective right to self-determination and self-governance, having full political and civil rights to determine our system of governance as the final decision makers for Canada, the Crown of Canada and the Crown Corporation.
4. Simply having a charter of personal rights and freedoms and voting for politicians every 4 years, nor simply being able to individually participate in elections does not determine us to be a free people, living in a free democratic country or society. Democracy does not belong only to the Legislatures, the Senate and Parliament, it first belongs to the people.
5. The Canada Constitution 1867-1982 itself does not reflect the will of the people. It reflects only the will of the Federal and Provincial Governments. There have been no national referendums in existence to prove that this type of governance was fully accepted and agreed upon by the people.
6. Many sections of the Canada Constitution need to be declared invalid since the Government of Canada unlawfully acquired for itself the exclusive executive power of the “executive prerogative” otherwise known as the “Royal prerogative” through the executive power over sec 9 “ The Executive Government and Authority of and over Canada is hereby declared to

continue and be vested in the Queen” and through sec 91 and 92 of the Constitution. Clearly being and still remaining a colonial government and governing system.

7. The Notwithstanding clause in the Canada Constitution 1867-1982 is another intentional usurpation methodology to overrule the personal and collective rights of the people of the Provinces.
8. Our present political system of governance is not FIT to address the issues of a free people unless the Canadian Constitution reflects the Canadian people as the Sovereigns with 100% veto power over all levels of Canadian Federal and Provincial governance.
9. The Canadian Federal and Provincial Governments or the Queen are not the true sovereigns of the Crown of Canada or its Crown Corporations, nor have the right to claim exclusive authority under the guise of the Peace, Order, and Good Government (POGG) sec. 91 and sec.92 of the Canada Constitution 1867-1982 which makes the Constitution intentionally illegitimate.
10. It is the people of a country who are the ones who have the right to make decisions concerning our sovereignty, military, finances, national and foreign affairs and all other decisions affecting Canada and of our respective Provinces.
11. A truly legitimate Constitution of Canada being the Law of the Land would reflect the will of the people and not the will of Governments to impose Constitutions or laws that allows them

the ultimate power over the people and judiciary. It is not up to a government to decide for the people. Only the people have that authority.

12. The Canadian federal and provincial governments are in breach of the legally binding International law “Decolonization Declaration 1960” initiated agreed too and signed in 1941 as the North Atlantic Charter by the US President Franklin D. Roosevelt and the British Prime Minister Winston Churchill.
13. In 1941, the participating Countries agreed to the eradication of colonialism and the removal of colonialist government control and ideology of which are still maintained by both the Federal and Provincial Governments of Canada, and is still purposely entrenched into our Constitution to this day.
14. Canada being a signatory to the North Atlantic Charter June 2nd, 1941 became the foundation for the United Nations in 1945 and NATO in 1949. The UN Decolonization “Declaration on the Granting of Independence to Colonial Countries and Peoples” also known as the United Nations General Assembly Resolution 1514 was formally signed by Canada in 1976.
15. The addition of Queen Elizabeth the II as the Sovereign of Canada in 1952 was a deliberate usurpation, and for all intents and purposes a deliberate attempt to keep Canadians and the Indigenous Nations in the dark about our freedom and independence from Colonial Governments to override the will of the people and our true collective sovereign rights as the final decision makers.

16. Therefore, my personal and collective sovereign rights along with all Canadians and Indigenous peoples were further usurped in the Canadian Constitution of Canada 1867-1982, by not making the changes to reflect the collective rights of the Canadian people who are the absolute executives over the government under our collective political and civil rights to self-determination and self-governance within Canada as a whole of a free people nationally 1867 and internationally since 1931.

17. When it comes to the political aspects between the people and the executive prerogative of the Federal Government, then the Federal and Provincial Governments and the Supreme Court of Canada must adhere to the Decolonization Declaration 1960 Sec.1514 initiated as the foundation of International Law.

18. The Quebec referendum of 1995 “Secession of Quebec”, the Supreme Court also made it clear that it was up to the Canadian people as a whole who could determine if Quebec could separate and not the Federal or Provincial Governments nor the people of a Province.

19. It is absolutely clear that we as the Canadian people and citizens, and the Indigenous nations have had the collective right to self-determination and self-governance, and having full political and civil rights to determine our system of governance as the final decision makers for Canada, the Crown of Canada and the Crown Corporation and to choose together our system of Government, and so on.

20. Therefore the claim of misfeasance through ignorance, nor the use of the De facto Doctrine can be claimed by either the Federal or Provincial Governments. The intentional usurpation of our collective rights and freedoms in the Canada Constitution 1867-1982 since its inception through the BNA ACT 1867, 1931, 1941, 1945, 1952, 1960 and 1982 indicate that the Canadian Federal and Provincial Governments including the Judiciary and Parliament, the Queen, the Governor General and Lieutenant Governors have acted ultra vires.

21. If we the People had been consulted as the official Sovereigns as we are supposed to be, then our personal and collective rights would not be infringed upon on a regular basis. I would have been able to participate in the major decision making for this country and our governance, along with all the peoples of Canada and our constitution and system of Governance would not be illegitimate. It would truly be a constitution by the people instead of a colonial constitution, a fraud upon our very existence.

The plaintiff proposes that this action be tried at Hamilton, Ontario.

Date: 10- 07-2019



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SOR/2004-283, s. 3