

**STATEMENT OF CLAIM**

(Court File No. \_\_\_\_\_)

**FEDERAL COURT**

**BETWEEN:**

**DAN PELLETIER**  
**Plaintiff**

**and**

**HER MAJESTY THE QUEEN**  
**Defendant**

(Court seal)

**STATEMENT OF CLAIM TO THE DEFENDANT**

**PROPOSED CLASS PROCEEDING**

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.

March 10, 2016.

Issued by: \_\_\_\_\_

(Registry Officer)

Address of local office:

180 Queen Street West  
Suite 200  
Toronto, Ontario  
M5V 3L6

**TO:**           HER MAJESTY THE QUEEN

## **CLAIM**

### **Nature of the Proceeding:**

1. This is a mass-tort and environmental proposed class proceeding (“Class Proceeding”) in respect of the spraying into the atmosphere of substances and particulates by the Defendant, either directly or jointly with others, and which substances are toxic to human health and destructive to the environment.

### **The Parties:**

2. Dan Pelletier (“Pelletier”) is an individual resident in Didsbury, Alberta.

### **Relief Sought:**

3. Pelletier claims on his own behalf and on behalf of all those similarly situated:
  - a. A Declaration that the aerial discharge of coal fly ash and/or other contaminants contravenes the *Canadian Charter of Rights and Freedoms*;
  - b. An interlocutory and a final mandatory Order directing that the Defendant comply with the *Canadian Charter of Rights and Freedoms*;
  - c. An interlocutory and a final mandatory Order that the Defendant immediately cease and desist the ongoing aerial discharge of coal fly ash and/or other contaminants or substances;
  - d. An Order that the Defendant pay general damages greater than \$50,000, in an amount to be proven at trial;

- e. An Order that the Defendant pay Declaratory Relief greater than \$50,000, in an amount to be proven at trial;
- f. Pre-judgment and post-judgment interest on the amounts payable pursuant to subparagraphs (d) and (e);
- g. Punitive, aggravated and exemplary damages in an amount that this Honourable Court deems just;
- h. Costs of this action on an appropriate scale plus applicable taxes;
- i. The costs of administering the plan of distribution of the recovery in this action in such sum as this Honourable Court deems appropriate; and
- j. Such further and other relief as may be required by Part 5.1 of the *Federal Courts Rules*, or as this Honourable Court may deem just.

## **Facts**

When is the Defendant releasing the Aerial Discharges? What are the Aerial Discharges, and How does the Defendant release the Aerial Discharges?

- 4. On various dates, Plaintiff observed certain aircraft, including what to the Plaintiff appeared to be tanker aircraft and retrofit passenger aircraft, (collectively “Aerosol Injection Aircraft”, or “AI Aircraft”) discharging trails comprising of white particulate like matter (“Aerial

Discharge”), and which Aerial Discharge would persist and often span across the horizon and across the length of the sky.

5. Plaintiff, more specifically, observed the AI Aircraft in the act of releasing such Aerial Discharges, or the lingering Aerial Discharges themselves, in the southern Alberta (i.e. Didsbury) area, and on a continuing and ongoing basis, including, but not limited to, on the following specific dates and times (all times unless otherwise stated, mountain time).

<b>Year</b>	<b>Month</b>	<b>Date</b>	<b>Time (hr:min)</b>
2012	8	12	19:17
2013	11	24	15:58
	11	24	16:00
2014	6	4	16:08
	6	19	18:34
	6	21	16:30
	6	22	12:16
	7	31	12:39
	8	3	17:07
	8	30	19:59
	8	31	12:50
	9	18	16:56
	10	17	18:38
2015	1	24	14:48
	11	11	16:03
	11	12	11:05
	11	12	11:58
	11	13	8:23
	11	18	8:38
	11	26	8:29
	11	26	8:41
	11	26	10:10

	12	14	16:56
	12	21	10:08
2016	1	4	15:06
	1	10	14:51
	1	10	15:53
	1	20	16:29
	1	23	12:42
	2	23	7:27
	2	23	15:55
	2	24	14:35
	2	24	21:23
	3	4	11:15
	3	7	18:28

6. Plaintiff pleads that the AI Aircraft release the Aerial Discharges primarily in the troposphere (generally defined to mean that area of altitude that is up to 10 kilometers above the earth's crust) and also in the stratosphere (generally, that area of altitude that is from 10 to 50 kilometers above the earth's crust) and that the Aerial Discharges slowly dissipate, and typically forms a thin, hazy film across the sky that obfuscates the sun's rays, and that the Aerial Discharges dissipate across ranges of altitudes, including very low altitudes containing air the Plaintiff and the potential members of the Class breath.
7. Plaintiff, together with certain of Plaintiff's colleagues and acquaintances (each of whom are citizens of Canada) continue to observe, document and categorize past and ongoing Aerial Discharges in the southern Alberta area, and in various locations across Canada.
8. Plaintiff pleads that the Aerial Discharges are comprised of minute particles that are typically smaller than 2.5 microns, including nanoparticles (in the size of 1-100 nanometers), and that such minute particles are readily absorbed into the human body by way of respiration, through the eyes, and through the skin.
9. Plaintiff also pleads that the Aerial Discharges infect and toxify the environment.

10. Plaintiff pleads, based in part on testing and lab analysis undertaken by various concerned individuals and scientists, both within Canada and outside of Canada, that the Aerial Discharges are comprised of various chemical and/or other engineered agents, including but not limited to, the following:

- a. coal-fly-ash
- b. aluminum oxide
- c. barium salts
- d. strontium
- e. arsenic
- f. carbon nanoparticle molecules, and
- g. minute synthetic filaments and fibers.

Who is engaged in the release of the Aerial Discharges?

11. Plaintiff pleads that Defendant, and/or her agent's or instrumentalities perform and release the Aerial Discharges over Canadian air space.

12. Plaintiff pleads, more specifically, that the Canadian military, and parties authorized or contracted by the Canadian military, perform the Aerial Discharges in Canadian airspace, and that such Aerial Discharges are and have been pursued pursuant to various programs and initiatives, including but not necessarily limited to, a joint US-Canadian military operation involving the release of chemicals and particulates into the atmosphere above Canada (**Project Cloverleaf**).

Why is the Defendant engaging in the Release of the Aerial Discharges?

13. Plaintiff pleads that the function and purpose behind the release of the Aerial Discharges as part of **Project Cloverleaf** and other like existing or past programs known and unknown, is to purposefully and intentionally seed and saturate the atmosphere with chemicals and particulates.
14. Plaintiff pleads that techniques by which to seed and saturate the atmosphere with chemicals and particulates are the subject of significant academic literature, and is often referred to in such academic literature as “**stratospheric aerosol geoengineering**” (“**SAG**”), “**stratospheric aerosol injection**” (“**SAI**”) or “**solar radiation management**” (“**SRM**”).
15. Plaintiff pleads that the purpose and objective of the chemical and particulate seeding by way of release of the Aerial Discharges, includes, but is not necessarily limited to, the following:
- a. to facilitate the operations of High Frequency Active Auroral Research Program (“HAARP”), an ionospheric program, or other like programs, for various purposes including but not limited to
    - i. for the purpose of manipulating the weather, to preempt or mitigate in advance, accruing adverse weather events, arguably and objectively, a benevolent purpose;
    - ii. for the purpose of manipulating the weather and/or other natural phenomena (including tectonic phenomena)
      1. to initiate adverse weather events and natural calamity (including tectonic calamity), possibly for use as an influencing, threatening or punishing mechanism, against governments and/or populations, foreign and/or domestic;
      2. for utilizing same as a weapon of war;



- b. possibly to engage in biological experimentation, on cities and on countryside, without public knowledge, authorization or consent; conduct which is consistent with clear and well documented past precedent of such type of non-consensual experimentation undertaken in Canada, in the United States,<sup>1</sup> and in the United Kingdom;<sup>2</sup>
- c. possibly to control or influence the viewpoint and reasoning capacity of a domestic or foreign population, through chemical and/or electromagnetic means, and
- d. for other purposes yet unknown.

16. Plaintiff further pleads that Defendant knows or ought to know that the Aerial Discharges are toxic and harmful to Plaintiff and to members of the Class, resulting in and contributing to, amongst other,

- a. lowered levels of awareness and alertness;
- b. neurological impairment;
- c. respiratory distress; and
- d. meaningful property damage by, amongst other,
  - i. toxifying the soil and

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<sup>1</sup> "How the U.S. Government Tested Biological Warfare on America". Priceonomics. October 30, 2014. Retrieved 19 July 2016.

<https://priceonomics.com/how-the-us-government-tested-biological-warfare-on/>

"Top-secret, deadly chemical tests done in St. Louis during the Cold War by Army prove deadly years later", Monday, November 12, 2012 by: J. D. Heyes

[http://www.naturalnews.com/037924\\_chemical\\_tests\\_Army\\_deaths.html#ixzz4VVynJXIR](http://www.naturalnews.com/037924_chemical_tests_Army_deaths.html#ixzz4VVynJXIR)

Also more generally see: [https://en.wikipedia.org/wiki/Unethical\\_human\\_experimentation\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/Unethical_human_experimentation_in_the_United_States)

<sup>2</sup> "Millions were in germ war tests"

<https://www.theguardian.com/politics/2002/apr/21/uk.medicalscience>

- ii. degrading the integrity of the ozone layer thereby directly contributing to harmful levels of various forms of ultraviolet radiation, with associated adverse impact on crops, livestock and property.

**Release of the Aerial Discharges by the Defendant contravenes Section 2 and Section 7 to the Canadian Charter of Rights and Freedoms (“Charter”)**

17. The Charter guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

18. Section 2 to the Charter guarantees, *inter alia*, the following fundamental freedoms, except in accordance with the principles of fundamental justice:

- a. freedom of **conscience** and religion;
- b. freedom of **thought, belief, opinion and expression**, including freedom of the press and other media of communication [emphasis added];

19. Plaintiff respectfully submits that to the extent Defendant engages in the release of Aerial Discharges, to influence the viewpoint and reasoning capacity of the population, through chemical and/or electromagnetic means, that such conduct constitutes a breach of Plaintiff’s fundamental rights to freedom of conscience, and freedom of thought, belief, opinion and expression, and as such, a breach of those fundamental freedoms guaranteed under Section 2 to the Charter.

20. Section 7 to the Charter guarantees everyone the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

21. Plaintiff submits that the scope of the interests protected under the phrase “life, liberty and security of the person” encompasses freedom from threats to one’s physical integrity, including risks to health.
22. Plaintiff reiterates his prior pleadings, namely, that Defendant engages in the release of the Aerial Discharges in Canadian air space, that the Aerial Discharges are comprised of minute particulate including nanoparticles that are easily absorbed into the human body through respiration, through the eyes and through the skin, and that such minute particulates are toxic to the human body, when absorbed and as such, the release of the Aerial Discharges constitutes a threat to Plaintiff and potential Class members physical integrity, including health, and as such, the release of the Aerial Discharges contravenes Section 7 to the Charter.

### **Negligence**

23. Plaintiff relies on his pleadings above.
24. Plaintiff pleads that the Defendant has a duty to not undertake actions that are harmful to the Plaintiff and to proposed members of the Class.
25. Plaintiff reiterates his pleadings that the Defendant directly engages in the performance of the Aerial Discharges, that the Aerial Discharges are comprised of minute particulate matter that is easily absorbed by the human body through respiration, through the eyes and through the skin, and that the Aerial Discharges are toxic to the human body when absorbed, and that the Defendant knew or ought to have known that the Aerial Discharges are easily absorbed by and toxic to the human body when absorbed.
26. The Defendant has breached her duties to the Plaintiff and the proposed Class by engaging in the release of the Aerial Discharges within Canadian airspace.

27. Plaintiff further pleads that the Defendant's actions have caused meaningful damages to the Plaintiff and the proposed members of the Class.

### **Nuisance**

28. Plaintiff relies on his pleadings above.

29. Plaintiff reiterates that the Aerial Discharges permeate and saturate the air that the Plaintiff and other potential Class members breath.

30. Plaintiff pleads that on certain days, the ingestion by way of respiration, of the Aerial Discharges resulted in Plaintiff suffering respiratory distress, and in the Plaintiff and potential Class members avoiding or minimizing outdoor maintenance or leisure activity, in an attempt to minimize such respiratory distress.

31. Plaintiff reiterates that the Aerial Discharges are comprised of minute particulate including nanoparticles that are easily absorbed into the human body through respiration, through the eyes and through the skin, and that such minute particulates are toxic to the human body, when absorbed.

32. Plaintiff pleads that he and potential Class members have absorbed the toxic particulates that comprise the Aerial Discharges.

33. Plaintiff pleads that the release of the Aerial Discharges results in a real interference with the comfort or convenience of living according to the standards of the reasonable man.

## Tresspass

34. Plaintiff pleads and reiterates that the Defendant engages in the release of the of Aerial

Discharges potentially for

- a. biological experimentation, on cities and on countryside, without public knowledge, authorization or consent;
- b. the purpose of controlling or influencing the viewpoint and reasoning capacity of the population, through chemical and/or electromagnetic means.

35. Plaintiff pleads that the release of the Aerial Discharges are, in particular where they are pursued for these purposes, intended to directly infect, saturate and intrude purposely and directly on the property of the Plaintiff and of the potential members of the Class.

36. Plaintiff pleads that as a result of the foregoing, the Plaintiff and potential Class members are entitled to the relief sought in paragraph 4 herein.

37. The Plaintiff proposes that this action be tried in the City of Toronto.

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*Henry Juroviesky*  
Signature

Lawyer for the Plaintiff