

LITIGATIONWORKS

NEWS RELEASE

ONTARIO DOCTORS TO ARGUE FOR END TO PROSECUTIONS BASED ON RULING THAT COVID-19 RESTRICTIONS WERE MERELY "RECOMMENDATIONS"

MARCH 10th MOTION HEARING WILL HAVE IMPACT ON JORDON PETERSON CASE AND OTHER HIGH PROFILE PROSECUTIONS

College of Physicians and Surgeons of Ontario v. Drs. Trozzi, Phillips and Luchkiw

Motion Hearing, March 10, 2023, 12:00 pm EST.

Public access to hearing on YouTube at:

<https://www.youtube.com/watch?v=SGgOH59sNkE>

In a decision rendered on January 19, 2023, the Discipline Tribunal of the College of Physicians and Surgeons of Ontario ruled that the Covid-19 restrictions the College placed on over 30,000 Ontario doctors in 2021 were merely recommendations. The ruling vindicated Drs. Trozzi, Phillips and Luchkiw, who argued that the College could not continue to prosecute them for simply deciding against following recommendations or guidelines that did not have the force of law. However, in a surprise twist, the Discipline Tribunal also ruled that the prosecutions against the doctors could continue on technical grounds.

In response, Michael Alexander, counsel for the doctors, successfully brought an application for another motion hearing at which he will argue that all prosecutions must come to an end based on the recent ruling. His view is that his clients should never have been investigated and prosecuted for committing acts of professional misconduct because their refusal to follow recommendations is not an offence under the *Medicine Act*.

In 2021, the College placed three basic restrictions on the practice of medicine in relation to Covid-19. Backed by the threat of discipline action, doctors were forbidden from saying anything that conflicted with public health policies and recommendations, writing medical exemptions for Covid-19 injections and prescribing alternative medications approved by Health Canada for the prevention and treatment of Covid-19.

Concerning the March 10th motion hearing, Mr. Alexander made the following statement:

"We are very grateful to be given the opportunity to explore the implications of the previous motion hearing decision, which confirmed our view that the College had no right to enforce its Covid-19 recommendations as if they had the force of law. It follows from that decision that the College's prosecution of dozens of Ontario doctors was never justified, and all charges against them should be dismissed."

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He continued:

"The College has been the enforcement arm of the provincial government during the so-called pandemic, and has been preventing Ontario's 31,000 doctors from providing over 14 million patients with crucial health information and cutting-edge treatments relating to Covid-19. If we are successful in the upcoming motion hearing, we will break the harmful and oppressive stranglehold the College has had on the practice of medicine in Ontario. And we will assist other health care professionals, such as Jordan Peterson, who have been fighting similar battles against their own regulatory bodies."

Concerning public access to the hearing, he added:

"Virtual hearings have given the public an unprecedented opportunity see how the justice system works, and sometimes doesn't work. During the last hearing, we had over 17,000 viewers in total. This time we're hoping to reach at least as many people, if not more."

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