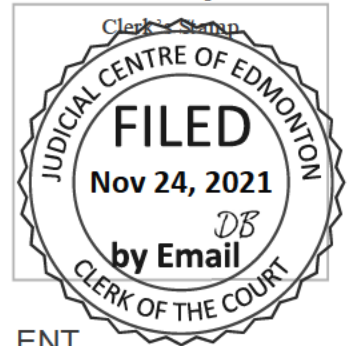


COURT FILE NUMBER 2103 14553
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE EDMONTON
APPLICANT DAVID THOMAS DICKSON
RESPONDENT HER MAJESTY THE QUEEN IN RIGHT OF
THE PROVINCE OF ALBERTA



DOCUMENT **AMENDED APPLICATION OF THE RESPONDENT,**
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ALBERTA

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Alberta Justice and Solicitor General
Civil Litigation
9th Floor, Peace Hills Trust Tower
10011-109 Street
Edmonton, Alberta T5J 3S8
Attention: Redacted

File No: 7880-1 (LIT-12049)

NOTICE TO RESPONDENT (ORIGINATING APPLICANT): DAVID THOMAS DICKSON

This application is made against you. You are the Respondents.

You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date: Friday, December 3, 2021
Time: 10:00 a.m.
Location: Edmonton Law Courts
1A Sir Winston Churchill Square, Edmonton, AB T5J 0R2
Before Whom: Justice J.A. Faagan. Case Management Hearing

Go to the end of this document to see what else you can do and when you must do it.

Remedy Claimed or Sought:

1. The Originating Respondent (Applicant for this application), Her Majesty the Queen in right of the Province of Alberta (“**HMQ**”) seeks an Order that the Originating Application in this action be struck;
2. Costs of this Application and the action; and
3. Such further and other relief as this Honourable Court may deem just and appropriate.

Grounds for Making this Application:

4. The Originating Application is an abuse of process because the Respondent (Originating Applicant) David Thomas Dickson (“**Dickson**”) does not have standing to bring the claim.
5. The Originating Application is brought as a claim in the public interest and Dickson does not meet the test for public interest standing that test being:
 - a. Whether the Originating Application raises a serious justiciable issue;
 - b. Whether the Originating Applicant has a real stake or genuine interest in the outcome of the Originating Application;
 - c. Whether the Originating Application is a reasonable and effective means of bringing the case to court
6. In addition, Dickson does not have private interest standing to bring the claim.
7. The Court does not have jurisdiction to grant the relief sought in the Originating Application.
8. [] Dickson, [] filed an Originating Application on October 19, 2021, naming HMQ as Respondent, seeking:
 - d. An Order to halt the administration of all COVID-19 vaccines in the Province of Alberta; or
 - e. An order requiring that all persons receiving the COVID-19 vaccine in the Province of Alberta be provided full and informed consent, which includes being

provided with a comprehensive list of the risk factors associated with the COVID-19 vaccines.

9. Section 17 of the *Proceedings Against the Crown Act* RSA 2000 c P-25 prohibits the granting of an injunction against the Crown.
10. Section 2 of the *Communicable Diseases Regulation*, a regulation under the *Public Health Act* RSA 2000 c P-37 provides the Minister of Health with the statutory authority to provide “any drugs, medicines and biological agents” for the prevention, treatment or modification of communicable diseases.
11. The Court does not have the jurisdiction to assume the Minister’s authority and make that public health decision regarding the provision of vaccines.
12. Section 2.1 of the *Communicable Diseases Regulation* gives the regional health authority (i.e. Alberta Health Services) the statutory authority to implement distribution of a vaccine as well the requirement to ensure that employees who administer vaccines are trained to do so.
13. AHS has issued policy #PRR-01 titled “Consent to Treatment/Procedure(s)” which sets out the elements and requirements for informed consent.
14. Section 133 of the *Health Professions Act* RSA 2000 c H-7 also gives statutory authority to the council of colleges for regulated professions to adopt codes of ethics and standards of practice, which would include standards related to informed consent, for its regulated professions.
15. The Court does not have the jurisdiction to assume the authority that has been granted to these bodies on issues relating to standards of practice.
16. In addition, HMQ is not the proper party as a respondent on any issue involving the standards of practice of regulated health professionals.

Material or Evidence to be relied on:

17. Affidavit of Chad Mitchell, sworn on October 29, 2021;

18. The pleadings and proceedings filed herein;
19. Such further and other material as counsel may advise and this Honourable Court may permit.

Applicable Rules:

20. Rules 1.2 and 3.68[] of the *Alberta Rules of Court*.

Applicable Acts and regulations:

21. Sections 2 and 2.1 of the *Communicable Diseases Regulation*, Alta Reg 238/1985, as amended;
22. Section 133 of the *Health Professions Act*, RSA 2000, c H-7, as amended, and regulations thereunder;
23. Section 17 of the *Proceedings Against the Crown Act*, RSA 2000, c P-25, as amended.

Any irregularity complained of or objection relied on:

24. None.

How the application is proposed to be heard or considered:

25. By oral submissions before the presiding Justice in Chambers.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicants what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.