

Action No.: 2103-14553  
E-File Name.: EVQ21DICKSOND  
Appeal No.: \_\_\_\_\_

IN THE COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE OF EDMONTON

BETWEEN:

DAVID THOMAS DICKSON

Applicant

and

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ALBERTA

Respondent

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P R O C E E D I N G S

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Edmonton, Alberta  
December 3, 2021

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1 Proceedings taken in the Court of Queen's Bench of Alberta, Courthouse, Edmonton, Alberta

2

3

4 December 3, 2021

Morning Session

5

6 The Honourable

Court of Queen's Bench of Alberta

7 Justice Fagnan

8

9 S. J. MacDonald (remote appearance)

For Her Majesty The Queen

10 (No Counsel)

For D. Dickson (remote appearance)

11 D. Neison

Court Clerk

12

13

14 THE COURT:

Good morning.

15

16 MS. MACDONALD:

Good morning.

17

18 THE COURT:

I see we have Ms. MacDonald and Mr. Dickson

19 online and so this is the, once again, I am Justice Fagnan, and this is Ms. MacDonald's

20 application on behalf of the respondent to strike the originating application. So I did

21 receive, I believe I have received all of the materials, some of which were provided as

22 recently, I believe, as yesterday. And so I think we can probably proceed unless there is

23 any preliminary matters.

24

25 Mr. Dickson, the way that we will proceed this morning is that Ms. MacDonald will

26 present her argument on her application and then you will have an opportunity to respond,

27 and then I will ask her if she has any comments on anything arising from your response.

28 All right?

29

30 Is there anything that anyone feels that I need to address before we start in?

31

32 MS. MACDONALD:

No, My Lady.

33

34 THE COURT:

Mr. Dickson? You are muted.

35

36 MR. DICKSON:

No, Your Honour.

37

38 THE COURT:

Okay. Thank you. All right, Ms. MacDonald.

39 Go ahead.

40

41 **Submissions by Ms. MacDonald**

1  
2 MS. MACDONALD: Thank you. My Lady, Mr. Dickson has brought  
3 an originating application seeking the following orders from this Court. An order that  
4 vaccinations in the province cease; and secondly, if the Court does not order that then for  
5 this Court to order that "all persons receiving the COVID-19 vaccine in the Province of  
6 Alberta be provided full and informed consent which includes being provided with a  
7 comprehensive list of the risk factors associated with the COVID-19 vaccines".  
8

9 The Crown has brought this application to strike based on two principles, standing and  
10 jurisdiction. I would intend to address standing first.  
11

12 The prevailing policy is that a challenger must show some special interest beyond the  
13 general interest that is common to all members of the relevant society. Generally  
14 speaking, these challenges and the issue of standing addresses an operation of legislation.  
15 I would suggest that is not this situation. However, Mr. Dickson states that the basis of  
16 his claim is that it is "in the best interest of persons living in the Province of Alberta". As  
17 a result we view that Mr. Dickson is seeking public interest standing.  
18

19 The Supreme Court case of *Downtown Eastside* particularly paragraphs 37 as well as the  
20 preceding 35 and 36 sets out that the decision to grant or refuse standing involves the  
21 careful exercise of judicial discretion through the weighing of three factors: Serious  
22 justiciable issue; nature of the plaintiff's interest, and other reasonable and effective  
23 means. The Court states that these factors should be seen as interrelated considerations to  
24 be weighed cumulatively. I will address those three factors now.  
25

26 Serious justiciable issue. This justiciability of an issue relates to the concern about the  
27 proper role of the courts and their constitutional relationship to the other branches of  
28 government. This factor also reflects the concern about over burdening the courts with  
29 the "unnecessary proliferation of marginal or redundant suits, and the need to screen out  
30 the mere busy body". This is in paragraph 41 of the *Downtown Eastside* case.  
31

32 The Supreme Court has also stated that justiciability relates to the subject matter of a  
33 dispute. The general question being, is this issue one that is appropriate for a Court to  
34 decide, and that is from paragraph 32 of the *Highwood* case. From that same case, from  
35 paragraph 34 the court says: (as read)  
36

37 That it should ask whether it has the institutional capacity and the  
38 legitimacy to adjudicate the matter. In determining this the court should  
39 consider "that the matter before the court would be an economical and  
40 efficient investment of judicial resources to resolve that there is a  
41 sufficient factual and evidentiary basis for the claim; that there would be

1 an adequate adversarial presentation of the parties positions; and that  
2 no other administrative or political body has been given prior  
3 jurisdiction of the matter by statute.

4  
5 As we submit, the jurisdiction to decide whether vaccines will be available in the  
6 Province of Alberta has been given to the Crown and the process of its distribution to  
7 Alberta Health Services.

8  
9 The details of the standards that health professionals are to abide by, including informed  
10 consent, and what that looks like in the administration of vaccines, therefore, lies with  
11 AHS, in our submission, and the colleges of these various health professionals. There is  
12 no hole that the Court needs to fill.

13  
14 This would not be an economical or efficient investment of judicial resources for the  
15 Court to weigh into the realities and the myriad of information of COVID, its impact, the  
16 approval of vaccines in Canada, and the subsequent availability of those vaccines in the  
17 Province of Alberta. Nor, we submit, is there sufficient factual and evidentiary basis for  
18 the originating application.

19  
20 I would point out that the evidence filed in support of Mr. Dickson's application are his  
21 affidavits referencing his interpretation and view of the information available on COVID  
22 and the COVID vaccines. He refers to himself as an expert about informed consent, but  
23 the evidence provided, I would suggest, is clear that he has no medical or health related  
24 educational, experience or expertise.

25  
26 There are also affidavits from two midwives and one anaesthesiologist, all of which  
27 contain limited, antidotal, and hearsay evidence about unknown Albertans. To constitute  
28 a serious issue, the question raised must be "of substantial constitutional" -- sorry, "must  
29 be a substantial constitutional issue or an important one". This is from paragraph 42 of  
30 *Downtown Eastside* case.

31  
32 In this case, there isn't a constitutional question or challenge raised in this application.

33  
34 In addition, I would point out the commentary in paragraph 2 about whether the claim is,  
35 "far from frivolous" and it is referenced in that paragraph to the *Hy and Zel's* case: (as  
36 read)

37  
38 Where the standard of whether the claim was so unlikely to succeed that  
39 its result would be seen as a "foregone conclusion".

40  
41 I would suggest and submit that this Court has the ability to take judicial notice of what

1 has been going on around the world in this world wide pandemic and the call for vaccines  
2 across the world, and we submit that there is no real likelihood that the Court would ban  
3 the use of vaccines for COVID-19 in the Province of Alberta. We submit that as a matter  
4 of principle, but also as a result of the evidence that has been put before this Court on the  
5 application.  
6

7 We would also submit that it is unlikely that the Court would enter the arena of directing  
8 health professionals as to how to carry out their duties in the provision of health services,  
9 such as what informed consent must look like in the providing of vaccinations. In this  
10 case, we submit there is a lack of factual basis put forward in which the Court would even  
11 be able to do so, but also due to the fact that the entities that are authorized to make those  
12 decisions are also not part of this application.  
13

14 The second factor of standing the nature of the plaintiff's interests. Those factors are  
15 concerned with whether the plaintiff has a real stake in the proceedings. Mr. Dickson's  
16 personal opinion, as strong as that opinion may be, does not mean he has a real stake in  
17 the proceedings. We would submit that Mr. Dickson does not have a direct personal  
18 interest in whether his neighbour is able to access vaccines, or whether his neighbour is  
19 entitled to access vaccines for that neighbour's child or children. He has given evidence  
20 in his affidavits that based on his views and interpretation of all the public information  
21 that he is reading that he is not intending on getting a vaccine at this point, and he is  
22 entitled to make that decision, but we submit that does not entitle him to try to make that  
23 decision for others.  
24

25 Mr. Dickson, in his affidavits, has used the term vaccine mandate. There is no vaccine  
26 mandate from the Government of Alberta pertaining to the citizens of Alberta. Mr.  
27 Dickson refers to vaccine mandates in some places of employment, but that is not the  
28 Government of Alberta mandating vaccines for the citizens of Alberta, and none of which  
29 those employment particulars pertain to Mr. Dickson's situation nor is that what this  
30 application is seeking. Mr. Dickson also refers to mask mandates, but a mask mandate is  
31 not the same as vaccine availability. We cannot lose sight, I would suggest, of what Mr.  
32 Dickson is asking for in his originating application and for which this analysis must be  
33 focused on, and that is seeking an injunction on vaccines and if not then a direction of  
34 informed consent and what that should look like based on Mr. Dickson's point of view.  
35

36 The Supreme Court in *Downtown Eastside* at paragraph 43 refers to: (as read)  
37

38 Examining the plaintiff's reputation, continuing interest, and link with  
39 the claim and the Court assessing its "engagement", so as to ensure an  
40 economical use of scarce judicial resources.  
41

1 With respect, we submit there is nothing in Mr. Dickson's background or reputation  
2 relating to the issue of vaccine availability. He has no particular link to that issue. Nor  
3 continuing interest outside this originating application.

4  
5 The third factor in standing, the reasonable and effective means of bringing the issue  
6 before the court.

7  
8 The Court in *Downtown Eastside* at paragraph 44, the Supreme Court in *Downtown*  
9 *Eastside* indicates that this third factor requires consideration of whether the suit is a  
10 reasonable and effective means to bring the challenge to court. In doing so, the Court has  
11 set out some illustrative, but not exhaustive list of matters for a court to take into account  
12 in assessing this factor.

13  
14 The first factor, the plaintiff's capacity to bring forward a claim. That is the plaintiff's  
15 resources, expertise, and whether the issue would be presented in a sufficiently concrete  
16 and developed factual setting.

17  
18 While Mr. Dickson is an obviously well spoken individual, we submit that his lack of  
19 expertise in this area and the fact that the evidence being presented in the support of the  
20 application is not concrete or factually developed. It is presented with limited factual  
21 information and hearsay so the ability to delve into those facts does not exist.

22  
23 The second factor is whether the case transcends the interest of those directly affected by  
24 the challenged law or action, that is does it provide access to justice for disadvantaged  
25 persons whose legal rights are being affected?

26  
27 We submit this is not the case. There are no rights being affected by the availability of  
28 vaccines for Albertans to choose to obtain those for themselves should they desire to do  
29 so.

30  
31 The third factor, whether there are realistic alternative means which would favour a more  
32 efficient and effective use of judicial resources.

33  
34 I wish to be clear that I am not counsel for and do not speak on behalf of any other body  
35 other than the named respondent, Her Majesty The Queen in the Right of Alberta.  
36 However, I would submit it seems logical that any concerns, for example, that the  
37 midwives may have with respect to what they are seeing in their practice may be raised  
38 with the regulating body. Further, if any individual has concerns with the vaccine process  
39 be it in an AHS clinic or pharmacies or doctors offices they could raise those concerns  
40 with those bodies or the regulatory colleges of the health professionals involved.  
41

1 The fourth factor, potential impact of the proceedings on the rights of others who are  
2 equally or more directly affected should this be taken into account. This analysis often is  
3 littered that failure of the challenge could prejudice subsequent challenges by parties with  
4 specific and factually established complaints. With respect to this particular application  
5 that does not seem to be overly applicable, but we submit it is important to note again that  
6 Mr. Dickson has chosen personally to not get vaccinated and he is able to make that  
7 decision, but he is seeking to take away the ability for others to make that decision for  
8 themselves. It is submitted that with all of this Mr. Dickson does not meet the test for  
9 public interest standing.

10  
11 I do wish to address private interest standing as well in the alternative. Although a review  
12 of Mr. Dickson's application would require the Court to grant public interest standing we  
13 submit he also does not have private interesting standing. Personal opinion is not of  
14 course the same as private interest in the legal sense. Private interest standing derives  
15 from a party having a direct personal interest in the question to be determined by the  
16 Court, and we point to paragraph 105 of the *Sorenson* case. Mr. Dickson does not have a  
17 personal interest, as we have stated previously, in the availability of the vaccine for other  
18 Albertans. Private interest standing arises: (as read)

19  
20 As a matter of right arising from a direct relationship between the person  
21 and the state.

22  
23 This is from the *AUPE* case paragraph 14: (as read)

24  
25 A direct relationship arises where the state engages a person in a court  
26 process.

27  
28 The government has not engaged Mr. Dickson in a court process, nor is Mr. Dickson  
29 being required to get a vaccine. His affidavit evidence regarding masks and possible  
30 policies and schools and the effects of vaccine exemption programs are not relevant to the  
31 issue of whether vaccines should be available to Albertans. We suggest and submit that  
32 Mr. Dickson does not have a private interest standing.

33  
34 Unless there are questions at this point, My Lady, I would proceed to the issue of  
35 jurisdiction.

36  
37 THE COURT: All right.

38  
39 MS. MACDONALD: As there are different legislations relevant to  
40 those issues, I intend to address them for the two sought orders separately. The first being  
41 the stopping of vaccines in Alberta.



1  
2 Mr. Dickson has requested for an order to halt administration of all COVID-19 vaccines.  
3 We suggest that is, in effect, seeking an injunction. We point to Section 17 of the  
4 *Proceedings Against the Crown Act* prohibiting an injunction against the Crown. Now,  
5 the Court of Appeal in the *Lehmann v Beaver Lake Cree Nation* case at paragraph 40  
6 stated: (as read)

7  
8 That in cases involving constitutional cases there is authority for  
9 granting interlocutory injunctions.

10  
11 Mr. Dickson is seeking a permanent injunction, and once again, this originating  
12 application does not involve the question of constitutional matters.

13  
14 And in the *Lehmann Wines* case this Court stated that: (as read)

15  
16 Injunctive relief is not available against the Crown as long as the Crown  
17 is not acting unconstitutionally or *ultra vires*.

18  
19 Providing a vaccine in the Province of Alberta for the citizens of Alberta is not acting  
20 unconstitutionally or *ultra vires* the powers of the provincial government. The  
21 Communicable Diseases Regulation establishes that the Government through the Minister  
22 of Health may provide vaccines within the Province of Alberta. Therefore, in making  
23 vaccines available the Government is acting within its constitutional powers.

24  
25 Although we submit that it is the extent of the analysis that would need to be done on this,  
26 as we had understood Mr. Dickson raising his concern about COVID-19 being established  
27 as a communicable disease, but it not being listed in the regulation we did provide a, I  
28 think it is still an unfiled affidavit that attaches a copy of the Ministerial Order number  
29 608/2020 which establishes clearly that COVID-19 has been found and declared to be a  
30 communicable disease in the Province of Alberta. As such, the authority to make the  
31 decision to provide vaccines to the citizens of the Alberta rests with the Government and  
32 then to implement the distribution rests with Alberta Health Services. There is no  
33 authority either statutory or in common law for this court to make that health decision for  
34 the citizens of Alberta.

35  
36 With respect to the informed consent, Mr. Dickson seeks the Court to order that persons  
37 receiving COVID-19 vaccines be provided full and informed consent. Although the  
38 language is that a person is to give informed consent, semantics aside, I think once again  
39 the court can take judicial notice of the fact that the concept of informed consent is one  
40 that is well established in the world of medicine and health care. However, Mr. Dickson  
41 seeks the Court to order that what, in his opinion, is informed consent, that being the

1 comprehensive list of risk factors being provided.  
2

3 As set out in the *Health Professions Act* and the affidavit of Chad Mitchell, a number of  
4 health professionals are authorized to provide vaccines within the Province of Alberta.  
5 The directives that are attached to Mr. Mitchell's affidavit direct that Alberta Health  
6 Services and medical officers of health are to employ health practitioners authorized to  
7 administer vaccines and to ensure that these persons are trained to do so. Attached to the  
8 affidavit is also a copy of Alberta Health Services very lengthy and comprehensive  
9 consent to treatment document, that is Exhibit 'C' of that affidavit, and further attached as  
10 exhibits are copies of various informed consent policies or documents found on various  
11 health profession colleges web sites.  
12

13 The *Health Professions Act*, Section 133 gives statutory authority to the Council of  
14 Colleges for these regulated professions to adopt codes of conduct or codes of ethics and  
15 standards of practice which would include informed consent. So, once again, the  
16 statutory authority to establish what a health professional needs to do in order to have  
17 informed consent has been given to other bodies and not this Court. There is no authority  
18 or jurisdiction for this court, we submit with all due respect, to enter into the arena of  
19 directing what steps and policies a health professional is to follow in that regard.  
20

21 I submit that we have also established that it is not the Government of Alberta that  
22 ascribes what informed consent looks like in medical or health procedures, including the  
23 giving of vaccines. Therefore, it is also submitted that this Court would not have  
24 jurisdiction, in any event, to grant an order as against Her Majesty The Queen with  
25 respect to that issue.  
26

27 Subject to any questions, My Lady, those are my submissions.  
28

29 THE COURT: All right. Thank you. Ms. MacDonald.  
30

31 Mr. Dickson, it would be helpful to the Court if you went through the points raised by Ms.  
32 MacDonald in the same order that she did, but I do not want to restrict you if you have a  
33 difficulty with that. Are you able to address the arguments in the order she raised them?  
34

35 **Submissions by Mr. Dickson**  
36

37 MR. DICKSON: I think in my affidavit in response I actually go  
38 through those points in that order in relation to standing and then jurisdiction and also  
39 something that wasn't covered in this, but is in the application to strike whether HMQ is  
40 the correct party to be named.  
41

1 THE COURT: All right. So let us start then with the public  
2 interest standing arguments.

3  
4 MR. DICKSON: So as I am not a lawyer the concept of public  
5 and private interest is something that is new to myself, and I fully understood when  
6 making this application to be -- to have the arrogance to think that I could actually force  
7 myself to be informed or just myself to be exempted from the vaccine mandates that have  
8 been applied directly or through proxy would be something that obviously nobody could  
9 ask for because this isn't being applied to just one part of the general public.

10  
11 But my understanding on the public standing is that I, obviously through my -- the  
12 information I provided with respect to private standing that actually also applies to why I  
13 would have public standing. I don't know whether it's relevant to go through the private  
14 standing argument first and whether the Government has put it the other way around. But  
15 effectively my understanding from the case law that the Government presented,  
16 *Downtown Eastside*, is that on appeal the courts found that because the parties had private  
17 standing the question of public standing was moot no matter what the application was,  
18 because the facts were being brought to the courts any way through that process.

19  
20 As a member of the public and having a direct interest, I am one of as far as the Crown,  
21 the Government has stated and states almost everyday now online and in their statements  
22 and directions to everybody that I am pretty much one of the highest risk people in the  
23 world for dying from COVID. They also, through the documentation they have provided,  
24 have suggested that I am one of the most high risk people to be impacted negatively and  
25 potentially die or be permanently injured by the vaccines as they currently stand. Because  
26 those two messages are completely contradictory somebody like myself could not  
27 possibly make an informed decision.

28  
29 Constantly this Government has made statements, as have been presented, I know Ms.  
30 MacDonald has stated they are my opinions, but throughout all of the evidence I have  
31 provided, other than the informed consent, which is my opinion as informed consent  
32 which goes beyond just medical. The concept of informed consent isn't just a medical  
33 item and I am, you know, regardless of the process, I am an expert, considered an expert  
34 in informed consent. And that informed consent requires you to understand and have  
35 access to factual information that is not contradictory, that is easy to understand. That  
36 hasn't been coerced, hasn't be undue influenced, but this Government to everybody and  
37 myself and, you know, in this case in particular because I have some unique  
38 circumstances would make informed consent an impossibility for -- I mean as I have  
39 presented, the Government has made statements about the fact that these vaccines are  
40 completely safe and there are no issues. And then at the same time -- and they said that  
41 the naysay documents that have been submitted as have been presented in my

1 supplemental application at exhibit -- sorry, Your Honour.  
2

3 In my supplemental affidavit of November, on November the 19th the naysay document  
4 which the Government has stated they have read fully. It states that they don't have  
5 enough data. On paragraph 19 of my supplemental affidavit submitted in November. It  
6 actually outlines not my opinion, but the actual words directly from the naysay documents  
7 clearly stating that they don't have enough information to determine the effectiveness.  
8 And that lack of information is based on the information they have for all age groups.  
9

10 In paragraph 20, again, from October a document that the Government of Alberta has  
11 stated they have fully reviewed, but having reviewed that saying everybody, everybody  
12 should get this vaccine. They have stated through their direction to the colleges there are  
13 really no exemptions. There are no options. And they say the evidence from the clinical  
14 trial data, in section 20, is limited -- due to the limitations and the size and duration of the  
15 follow-up trial populations. However, clinical trials and studies in real world settings are  
16 ongoing.  
17

18 We have rolled out a vaccine, I am somebody who has had all move vaccinations. I have  
19 had the pneumococcal five year vaccine. I have had a TB vaccine. I have always  
20 received my vaccinations, but I have always had assurances that they were safe and in my  
21 best interests. The Government, by its own documentation, is saying it is not safe.  
22 However, by the public statements are saying the exact opposite. So how is anybody, I  
23 mean to say that these are my opinions, I am sure if we brought anybody into this  
24 courtroom they would agree that they should have all relevant information to actually  
25 make a decision, that they shouldn't be unduly coerced and that they should have not be  
26 coerced either by the fact that they are losing a job, yes, that doesn't affect me, but it  
27 affects the health care workers that support me. It affects the decisions on how my doctor  
28 treats me because if they don't follow these guidelines and lack of information then they  
29 will be fired. So they can't give me information. I trust the information I am getting.  
30 What I get from the Government on an ongoing basis, and that information is not just  
31 going to me it is going to every member of the public. Just because you don't know you  
32 are not being informed does not mean you are not being informed.  
33

34 My daughter, my youngest daughter, had her vaccination because she was told she had 24  
35 hours to make a decision. When she got to have that vaccinations she was shaking and  
36 crying while it was actually being given to her. Why were the people who were doing  
37 that doing it? Because that is the direction the Government has given. Ms. MacDonald  
38 says that, you know, these are the decisions of other parties, the college, the professionals  
39 themselves.  
40

41 However, as they presented in their own evidence, the Dr. Henshaw and the Government

1 of Alberta has actually directed exactly what should and shouldn't be done. What  
2 information should and shouldn't be provided, but they didn't provide all of the  
3 information that's available to them. In fact, Dr. Henshaw in every single one of her  
4 orders, and as Ms. MacDonald presented in the Ministerial Order 608, the Government  
5 has all the information to clearly outline that this, that COVID-19, is a serious infectious  
6 disease. Actually in Ministerial Order 608 it actually describes it as influenza. Well, at  
7 that point in time it was a Corona virus and everybody knows that that is not influenza.  
8

9 THE COURT: All right. Mr. Dickson, I want to make sure that  
10 we are staying focused on the issues that relate to the application to strike. I find that we  
11 are getting into more the substance of your, and I understand that you want to refer to that  
12 to some extent, but I have heard what you said about your personal interest and the issues.  
13 And so do you have anything to add in terms of how the matter has engaged you directly?  
14

15 MR. DICKSON: So as I have deposed in my affidavits I  
16 personally require and have been prescribed certain forms of treatment that are no longer  
17 available to me because of the government's direction to health care professionals and  
18 businesses. That lack of informed positioning throughout and specifically as it relates to  
19 vaccinations with the REP Program, and prior to that with the masking, I can't go to a  
20 swimming pool. I just can't get in. I can't get an exemption despite all my medical  
21 conditions that clearly state that I would be at high risk of getting that vaccination, and by  
22 the Government's own data on how many and how significantly increased the vaccine  
23 injury reporting has been because of that information I can't go and receive that treatment.  
24 It couldn't impact me any more than it has.  
25

26 Also, as the medical proxy of my mother-in-law another member of the public in Alberta  
27 who I am directly responsible to and her medical treatment. Again, based on the  
28 information that has been provided, we can't make an informed decision for her in relation  
29 to whether she should or should not receive a vaccination because of the vaccine  
30 mandates. They are, we can wrap them up in whatever language you like, but when the  
31 Government, when Dr. Henshaw or the education minister states specifically in the letters  
32 to the parties that they effectively fund and control and must do, under the direction of the  
33 Minister and the Government.  
34

35 I mean as we found out this week, you know, ironically I quoted the legislation in my  
36 response in how the -- where the Crown had actually not covered in their application.  
37 They had left out Section 2.1 and 2(1) even though they referred to 2(1) of the *Act*. It  
38 actually states quite clearly that the Minister, everything is done at the Minister's  
39 direction. And what did we see this week? On Monday, we saw the Minister direct a  
40 change to the vaccine roll out specifically in relation to specific sections of the public.  
41 That actually has changed everything including between the direction from the letters and

1 the direction on Monday, that impacts my ability to actual go and ensure the safety and  
2 health and welfare of my mother-in-law. I cannot get into the care centre to see her  
3 without having a vaccine. I am either going to have to forced to be vaccinated or abandon  
4 my duties as her health proxy. Same for myself. I either have to give up my ability to  
5 actually follow my doctor's direction on what I need to do to improve my health and take  
6 a vaccine or not do it. I mean I can't actually continue with these actions. I can't continue  
7 with the direction of my doctor without.

8  
9 Like myself and many others, I had a letter that exempts me because of my health  
10 condition from wearing a mask. Now wearing a mask actually is life threatening for me  
11 because of the condition I have. However, the Government has now stated not that my  
12 doctor can make a decision as to whether the mask is safe for me to wear or not, which  
13 had clearly been stated it was not. Now the Government has decided, Dr. Henshaw has  
14 decided a specific group of items as to why, what would constitute an exemption without  
15 actual seeing a single person. That same thing has happened.

16  
17 The reason I point to masks is this is a repeating process. Yes, the mask I can, you know,  
18 is an interim arm which could be long term, could be life threatening. But a vaccination,  
19 if I make a decision to actually be vaccinated for myself or my mother-in-law I can't be  
20 unvaccinated. That is something that may or may not end my life. But if I don't get  
21 vaccinated based on the information the Government is saying I am going to die. I can't,  
22 and I can't make a decision. But inside the Government's documentation, that is -- one of  
23 the -- almost proving the point that we are not fully informed is the fact that Ministerial  
24 Order 608 along with a number of other documents the Crown has put in to support their  
25 position are not publically available documents.

26  
27 I actually did a search on the open Alberta site for all the ministerial orders. I can find  
28 606. I can find 612. I can find all the others that actually refer to COVID-19 as a  
29 pandemic separate from an influenza pandemic. But order 608 doesn't seem to even exist.  
30 I am not even sure where that order came from. I am not saying it is not a real order, but  
31 here we have a clear example of the Government has not provided information. In there it  
32 states, just like on top of every one of Dr. Henshaw's orders, the Government has the  
33 information to actually show what is happening, or at least to show that COVID-19 is as  
34 deadly as they say it is, although the data I look at doesn't seem to support that. And the  
35 fact that two years on almost and I am still alive.

36  
37 And actually the reason my medical history stops in 2020 for hospitalizations is despite  
38 having all my respiratory conditions I have not been in hospital for two years. I normally  
39 end up hospitalised six times a year with respiratory issues. I mean I either must be one  
40 of the most luckiest people around or something has happened. I haven't bought a mask  
41 which the Government say I will die if I don't wear a mask. I haven't been vaccinated and

1 I am still here.

2

3 My mother-in-law is the same. She lives in what people consider is the highest risk  
4 environment on the planet in a care home. She hasn't been vaccinated. She hasn't been  
5 tested, and she hasn't been, she hasn't wore a mask. In fact, nobody inside a care home, as  
6 a resident, is required to wear a mask whereas the rest of the population does.

7

8 THE COURT: All right. So, Mr. Dickson, what I take from  
9 what you have said so far is that you find yourself in a position where you cannot make a  
10 decision, and so, because certain information is not available to you, but you have put  
11 forward information in your affidavits that you say should be made available. And, so, it  
12 is not clear to me for you personally what, that you are lacking access to relevant  
13 information.

14

15 MR. DICKSON: So obviously the Government has stated that  
16 they have information that demonstrates that COVID is a lot more serious than the  
17 information they have currently presented. I have looked for that information. I can't find  
18 it. Even in, I mean there are documents that obviously are not being made available to the  
19 Government like Ministerial Order 608, like some of the policy documents. Some I can  
20 find some I can't. The data that is presented by the Government online states that we have  
21 had 'X' amount of deaths with COVID the majority of which are with multiple  
22 comorbidities, and some of which are within two weeks of receiving a vaccination.

23

24 I don't know because the Government continues to merge information and present it in a  
25 way that doesn't make it clear to anybody how many of those people are actually  
26 hospitalised for other reasons. How many times -- we heard the 14-year-old that actually  
27 had, that allegedly died of COVID. And then because the family complained, not because  
28 anybody, but the family complained, the Government had to reverse their position. How  
29 many other times is that happening? From the evidence that's in from the doctors, the  
30 doctor and the two midwives, and they are not the only people that have spoke to me.

31

32 THE COURT: Mr. Dickson, so, again we are talking the  
33 personal, your interest.

34

35 MR. DICKSON: Yes.

36

37 THE COURT: So the relief that you seek that relates to people  
38 being provided with information about the risks associated with the vaccines, and so it  
39 appears that what you have provided is a lot of information with respect to risks that have  
40 not been disclosed. So from a personal point of view, again, getting back to my question  
41 about how this impacts on you directly. It is not clear to me. If you are basing your

1 argument on information that you have that you say should be presented to the public then  
2 how is this effecting you personally?

3  
4 MR. DICKSON: No, my issue is the information I do have has  
5 gaps in it. Even with all the information I have I am not able to make the decision. It is  
6 not with the information I have I have been able to make the decision. The information I  
7 have has gaps in it that -- those same gaps are for everybody. And although, maybe I  
8 worded it poorly in the application, the risks of the vaccine has to be weighed against the  
9 risk of the virus. I mean you can't have information about the risk of one without the risk  
10 of the other so you can actually make an informed decision, and we don't have  
11 information. There are significant gaps and misinformation and coercive measures that  
12 have been taken by this Government that interfere with the ability to make an informed  
13 decision.

14  
15 All I am asking, what I am asking for is that based on the information I have today that  
16 the Government has made publically available there is the suggestion that the vaccines  
17 are the most dangerous vaccines we have ever produced ever, based on their own  
18 information. As such, it would be negligence to continue pushing those vaccines out until  
19 we can actually get some more information. If the Government has the information to  
20 justify and clarify those issues they should make that information available.

21  
22 I mean Ms. MacDonald said, I have asked for a permanent stop to all COVID-19 vaccines  
23 forever in the province. That is not what my ask was. I wouldn't expect that the Court  
24 would just stop all vaccines forever. The point is that if we knew that there was a vehicle  
25 that was the most dangerous ever in the world, the Court wouldn't allow that to just --  
26 people to just keep driving around in that while we made some decisions as to how we  
27 could make it safer. I mean it is a case of if we know based on the Government's  
28 information that they produced to date that this is the most dangerous vaccine that has  
29 ever been produced, by their own words not by my words not by my interpretation, how  
30 do we continue to do that and continue to roll that out? How can people be making  
31 informed decisions?

32  
33 THE COURT: Right.

34  
35 MR. DICKSON: The Government's own consent forms are clear  
36 that up until three weeks ago we were actually giving people third doses that weren't even  
37 authorized. That information was never, if I had have got the vaccine, and I could have  
38 qualified I would have been at the top of the list to qualify for that third dose. I haven't  
39 made that decision, but there is going to come a point where if I want to continue with my  
40 life, if my mother-in-law wants to continue with her life, you will have to make the  
41 decision to be vaccinated, not because of a safety concern with COVID but in order to



1 continue living our lives. In order to actually receive access to basic services. I mean it  
2 might be --

3

4 THE COURT: All right.

5

6 MR. DICKSON: That the Government says that, you know,  
7 swimming is not something that is that important to people. It is actually critical to the  
8 health of myself and my mother-in-law, and yet, we were both denied access to that as are  
9 many other Albertans based on a lack of information.

10

11 THE COURT: Okay. So Mr. Dickson, you have expressed that  
12 you are not in a position to make a decision about whether to get the vaccine or not, and  
13 to make that decision for your mother-in-law. You are restricted from swimming. I am  
14 just trying to summarize the points that you have made with respect to how this personally  
15 impacts on you.

16

17 MR. DICKSON: It is not just swimming, Your Honour, it is  
18 access to many, many aspects of life. Every where that the Government has, when the  
19 Government brings in a policy it cascades throughout society. Just because the  
20 Government like for masks, the Government never mandated masks initially, but it  
21 became the norm for every single organization to do it because of the information and the  
22 direction the Government was given.

23

24 All the information right now, the only information that's effectively allowed to be  
25 discussed is the Government, is the information that the Government provides. The  
26 Government is not providing all the information which is quite clear because they appear  
27 to have information that we don't have that would -- I mean when they say the only  
28 reasonable thing to do there is no other choice but to get vaccinated then the Government  
29 must have some information that supports that basis, that all businesses must have, that  
30 unvaccinated people cannot meet with each other at all.

31

32 All of those things. I can't interact. Right now as it stands with the current orders, I  
33 cannot meet -- I missed the Christmas last year with my second grandchild their first  
34 Christmas because the Government said as a person without the ability to mask and all  
35 the other reasons I couldn't see my first granddaughter's Christmas. We are currently,  
36 unless the Government changes their opinion, as an unvaccinated person with an  
37 unvaccinated six year old and an unvaccinated elder daughter, I can't be with them at  
38 Christmas. That's not something -- I can't get my second Christmas back. I can't get my  
39 first Christmas back. It is not just swimming.

40

41 THE COURT: All right, and so this all relates back to your

1 inability to determine whether or not to get the vaccine because of inadequate  
2 information. All right. So in terms of the -- I understand that you have raised that in  
3 relation to private interest standing, but also rely on it for the public interest standing  
4 arguments.

5  
6 With respect to the -- so there are three questions that the Court has to address in terms of  
7 the public interest standing or factors that are relevant. So the first being, does the case  
8 raise a serious justiciable issue? And so you have heard Ms. MacDonald's comments on  
9 that point. Do you have anything to submit on that issue?

10  
11 MR. DICKSON: I don't know how -- I mean we are in undefined  
12 territory here. This is about as novel a process as we could ever be. We have never ever  
13 been in a situation where the Government has pushed vaccinations at a level that they are  
14 pushing without information to support it. The coercion from lotteries to public money  
15 being handed out for accepting this, to the creating of a game. I mean we couldn't have a  
16 more important position when you look at COVID-19 and the response and the vaccines  
17 and the way they have actually been rolled out to an unprecedented number of Albertans  
18 and the impacts of the result of that. I can't actually think of anything right now in the  
19 world that isn't more important than justifiable to make a decision on. I mean if the courts  
20 can't make a decision on whether this is, you know, we have the right information and this  
21 is important enough to actually even consider that this isn't an important issue.

22  
23 THE COURT: Mr. Dickson, the question is not necessarily  
24 whether it is important. The question is whether the Court has the capacity and  
25 legitimacy to adjudicate the matter; whether the matter, the subject matter is appropriate  
26 for a Court to decide; whether it would be economical and efficient investment of judicial  
27 resources to resolve it; whether there is a sufficient factual and evidentiary basis for the  
28 claim; whether there would be an adequate adversarial presentation of the party's position;  
29 and whether other administrative or political bodies have been given jurisdiction by  
30 statute. So those are just some of the issues that relate to it. So it is really more related to  
31 the capacity and appropriateness of a court proceeding to address the concerns that you  
32 are raising.

33  
34 MR. DICKSON: I think, my understanding, and again I am not a  
35 lawyer Your Honour, but this sort of is where standing crosses over into, does the Court  
36 have jurisdiction? In *Lehmann* that the Crown have actually put forward, they actually  
37 highlight Section 57 which clearly states that there are mechanisms for the courts to use to  
38 provide injunctive relief. But also as Section 58 of *Lehmann* states the Court of Appeal in  
39 Alberta has said that it is something that in the case of a novel claim that is something that  
40 the courts could actually provide a permanent injunction on.

41

1 The *Judicature Act* specifically states that the courts can do whatever they feel is just.  
2 And even in *Proceedings Against the Crown Act* the Crown actually presented one, they  
3 only presented part 8(2) they didn't present the other section which, again, states there are  
4 times when the courts can provide injunctive relief, but also in the absence of an  
5 injunction the courts can provide an order.  
6

7 In my application I ask for an order from the courts. So I mean the Crown's own evidence  
8 highlights that the courts do have jurisdiction. In this situation is there information that  
9 can be argued backwards and forwards between the Crown. I think the Crown this  
10 morning has outlined the fact that we would argue they are stating that I have only  
11 presented my own personal opinion. And yet, I would argue that what I have actually  
12 provided is very specific physical evidence. The words of the Premier and Dr. Henshaw  
13 and Dr. Yiu and Jason Coppinger (phonetic) are not my opinion. They are their words.  
14 And it would be for the Court to interpret through a trial as to what the true meaning of  
15 those words are, and if the Crown wants to present their interpretation of those words  
16 then, you know, the only place we could actually do that is in the courts.  
17

18 THE COURT: So, Mr. Dickson, just to backtrack a bit. You  
19 have said that you would be, if not injunctive relief then seeking an order, but what would  
20 that order be?  
21

22 MR. DICKSON: Well, that order would be to ensure that the  
23 Government provides all the required information and ensures that the direction they are  
24 giving to the bodies that they are responsible for, such as Alberta Health Services and all  
25 the subsidiaries, the colleges and all the businesses that they are providing direction to  
26 actually have the information they need to make reasonable decisions in relation to how  
27 these vaccines, and for that matter, you know, as we have discussed this, you know, even  
28 all of the restrictions that this Government has placed on all. There doesn't seem to be  
29 information that is readily available that substantiates why.  
30

31 I mean just because other -- you know, the Crown points to the fact that everybody else is  
32 doing it. Well, that's like the argument of well everybody else is panic buying toilet roll  
33 so the justification for the Alberta Government to rush out and buy toilet roll is because  
34 everybody else is doing it. I don't know what evidence has been presented in other  
35 countries and what justifications they have got. All I know is that Dr. Henshaw and based  
36 on Ministerial Order 608 the Crown has information that substantially supports everything  
37 they have done.  
38

39 I will note that the Ministerial Order 608 is from March of 2020. There is a lot happened  
40 since then presuming because the orders keep changing on a constant basis what  
41 information is the Crown receiving?

1  
2 THE COURT: Mr. Dickson, so we are getting back into sort of  
3 the substance of what you are raising.

4  
5 MR. DICKSON: Sorry, Your Honour.

6  
7 THE COURT: So let us just focus on anything else with respect  
8 to that first issue, the justiciable issue? So whether the court is the appropriate forum?

9  
10 MR. DICKSON: Personally because this is about, you know,  
11 trying to understand what information there is and the Court deciding whether the Crown  
12 actually has provided the right information and whether it is appropriate to stop it, I don't,  
13 particularly with the urgency, this isn't something that is suitable for a lawsuit. It isn't  
14 suitable for, you know, a discussion with the college of surgeons. This is an overruling  
15 issue where the Government is in control of all the information and all the facts.

16  
17 If I don't take the vaccine and die of COVID I can't seek compensation. If I do take the  
18 vaccine and die as a result of a vaccine injury I can't seek compensation. Both of those  
19 things are things that only my, unless the Crown or the courts have any, I mean the Crown  
20 has not suggested. They just said that this isn't the right place, but they haven't made any  
21 suggestion as to where there would be an alternate place to actually address these urgent  
22 and serious concerns.

23  
24 THE COURT: Well, the Crown has said that individuals would  
25 more properly be seeking this information in the health care setting, and if there are  
26 concerns about the manner in which informed consent is being obtained that that would  
27 be addressed with the colleges of which the persons implementing the vaccinations are  
28 members of.

29  
30 MR. DICKSON: My only comments on that, Your Honour, is the  
31 fact that, as have been shown by not just the evidence I have put in place but also the  
32 evidence presented by the Crown, each of those groups is relying 100 percent on the  
33 information provided by the Government and the direction of the Government. As we  
34 saw this week, the Government actually specifically created some direction that impacted  
35 all health care workers, and now is stating up until the morning of the 29th of November  
36 testing by the Government's own documentation, and the information provided by AHS  
37 was so poor it was considered dangerous. Then the Government turned around and says,  
38 no, everybody needs to get tested if they are not vaccinated and that is in place until  
39 March 2022.

40  
41 So, for example, if it was decided for me to access a location I could be vaccinated, I

1 could be tested instead of vaccinated every 72 hours by the Government's own  
2 information of the rapid test and the PCR tests, which are the only two that are available  
3 to myself and the public. I risk a serious risk of being improperly, either improperly  
4 isolated, split particularly if I am asymptomatic and then they say these tests are not to be  
5 used, both the PCR test based on the scientific advisory groups information provided to  
6 the Government and the information on the rapid test. Those state these are not supposed  
7 to be used on asymptomatic people and the Government states symptomatic people have  
8 to isolate no matter what, regardless of the test.

9  
10 So I mean everything that has been provided by all of these groups, there is no point in me  
11 going to the college of surgeons or actually even asking my pharmacist for information  
12 because all they are going to provide me with and all they have to provide me with is the  
13 information that the Government has told them they have to discuss and the Government  
14 tells them, it is safe, just take it.

15  
16 THE COURT: All right and so --

17  
18 MR. DICKSON: And that information is going to be false based  
19 on the informed consent, the consent form that is handed out. First of all, it is not being  
20 handed out but even where it is handed out it actually states, you know, at the point in  
21 time where you are sitting there where they are sticking the needle in your arm you should  
22 go and talk to your doctor, but your doctor is only going to give you the information that  
23 the Government has already told them they have to provide. They are not allowed to give  
24 any other information because of the Government direction, not because of the college's  
25 direction. The college's direction to the doctors is you will do what the Government tells  
26 you to do.

27  
28 THE COURT: Right.

29  
30 MR. DICKSON: That has never happened in the history of, in my  
31 understanding, in the history of Government or any of the colleges for the Government to  
32 specifically state you can only talk about what we tell you to and we will filter everything  
33 to a level that people cannot make an informed decision. The doctors and nurses can't  
34 provide the information to cover that. There are so many gaps, and yet, the Government  
35 says they have that information. Why won't they just produce it so we can actually make  
36 informed decisions. The reality is that COVID is significantly more of a risk to me,  
37 despite surviving for the last 20 months, then the Government suggests it is based on the  
38 information they provided me, and that my only chance of survival is to take this vaccine,  
39 as the Government keeps saying over and over again, and that if I want to get my life back  
40 I have to get this vaccine. Then I take the vaccine and I run that risk, but right now there  
41 is some information the Government must have to actually justify what is happening and

1 why they are directing everybody the way they are directing them that is absent.

2  
3 THE COURT: Okay, and I understand your position that there  
4 is a gap in the information.

5  
6 All right. So you have addressed private interest standing. You have addressed  
7 justiciable issue. You have addressed whether or not you have a real stake or genuine  
8 interest in the outcome. And you have also touched on whether the proposed action is a  
9 reasonable and an effective means of bringing the case to court, and whether there are  
10 alternatives. You have touched briefly on the court's jurisdiction. Do you have anything  
11 further to add on that point?

12  
13 MR. DICKSON: I, again, based on the case law the Crown them  
14 self have provided, based on the *Judicature Act*, based on the -- everything that I can find  
15 and that is currently before the courts. I mean as I don't have the direct quotes from, sadly  
16 from Chief Justice Catherine Fraser, but effectively she has stated, I think it is on her  
17 public page, her statement to all judges is that the judiciary is the last step.

18  
19 The Government, the only party that can tell, you know, change what the Government is  
20 doing is the judiciary and it is the responsibility of the courts, where required, to step in.  
21 And it is the responsibility of judges to be brave and to stand up to the Government where  
22 there is some concerns with what is happening. If the Government -- I mean the  
23 Government can to the run unchecked. It is why we have three bodies inside the  
24 Government structure, inside the structure of the province. Is that to have a Government  
25 that can run unchecked and just do whatever they want without question would be a very  
26 very dangerous world to live in, but as it stands right now nobody has actually questioned  
27 what the Government is doing.

28  
29 The applications, all of the applications that have been brought before the courts that I am  
30 aware of, not just in Alberta but across Canada, have either been from organized through  
31 the law of commercial arguments litigants, the Freeman on the land, common law as they  
32 have rebranded themselves, the sovereign citizens, they are a nonsense. They really are a  
33 waste of the Government's time, and they are actually -- or sorry, the court's time, and  
34 they are dangerous. I would agree 100 percent with everything that has ever been said  
35 about them, as a retired police officer. You know I am a very great proponent against  
36 them. Those lawsuits are a nonsense, a waste of time, and should be treated with the  
37 derision and prospect that they should have.

38  
39 The only other arguments that have been brought forward have been constitutional  
40 challenges that aren't really arguing on the facts. They are basically arguing that, you  
41 know, somebody's rights have been trampled on without actually looking at the specific

1 facts. It is almost, in my opinion, putting the cart before the horse.

2  
3 The only other two, even the responses to the tickets that have been issued by the Crown  
4 and their agents. Every single defence other than two that I am aware of have been based  
5 on a constitutional challenge. The two I am aware of that haven't been have asked for full  
6 disclosure under *Stinchcombe* and *Gubbins*. And in both cases the Crown has refused to  
7 produce the disclosure despite the fact that again, as on 608, Ministerial Order 608 and as  
8 on the top of every single one of Dr. Henshaw's orders she states she has all of this  
9 information that would basically end all of these discussions. If that information was  
10 presented people would be able to make an informed decision, and may be all of this time  
11 that has currently been wasted by the courts in those other matters would end. People  
12 would actually -- there wouldn't be any concerns or -- I mean it is dividing, it is dividing  
13 the public in Alberta. It is dividing families. It has divided my family because of this  
14 lack of information.

15  
16 THE COURT: All right. Thank you for that.

17  
18 So it is about 20 after 11 we have been going for some time, so I am going to give  
19 everyone a break, following which I will hear from Ms. MacDonald with respect to  
20 responses.

21  
22 One area that neither parties touched on that I am left in a bit of confusion, and Mr.  
23 Dickson has been frank with respect to the fact that he is not a lawyer, but I am having a  
24 difficult time actually figuring out what the cause of action that he is, from a legal  
25 perspective, is that he is seeking to advance. So I am interested in comments from both  
26 parties on that issue.

27  
28 Let us take a 15 minute break, so it is 20 after, we will come back at 25 to 12 and we will  
29 have further discussions. All right. Thank you.

30  
31 MS. MACDONALD: Thank you.

32  
33 MR. DICKSON: Thank you, Your Honour.

34  
35 (ADJOURNMENT)

36  
37 THE COURT: Hello?

38  
39 MR. DICKSON: Good afternoon, ma'am.

40  
41 THE COURT: I do not see, is Ms. MacDonald still present?

1  
2 THE COURT CLERK: Yes, I have checked in both parties once again  
3 Ma'am.

4  
5 THE COURT: All right. I don't see her on the screen.

6  
7 MS. MACDONALD: My video is on, My Lady.

8  
9 THE COURT: All right. Oh, there you are, perfect. All right,  
10 and so any response?

11  
12 **Submissions by Ms. MacDonald (Reply)**

13  
14 MS. MACDONALD: Yes, My Lady, prior to the break you had asked  
15 about cause of action and indicated that neither I nor Mr. Dickson had indicated what that  
16 may be, and with respect, I am not able to do that either in the sense that the Crown  
17 doesn't see that there is a known or a cause of action that is identifiable by the originating  
18 application that has been filed.

19  
20 With respect to response to what Mr. Dickson's submissions were, I mean I have to state  
21 that the Crown as a respondent is responding to the originating application as filed and as  
22 written. I think that is what we had prepared for and that's what we have to deal with  
23 today in terms of the question of standing and jurisdiction. To the degree that Mr.  
24 Dickson is indicating that his application or what he is really seeking is some order from  
25 the Court for the Government to provide information that he believes must be available  
26 that has not been provided. Again, not anticipating that particular issue, but we would ask  
27 this Court to take some judicial notice of the fact that Health Canada obviously is the  
28 body in Canada that undertakes the process of review and safety in determining and  
29 ultimately making the decision whether medication, drugs, including the COVID-19  
30 vaccines, are available for use in Canada, so that is not the Government of Alberta.

31  
32 To the degree that he might be seeking or was intending to seek an order from this Court  
33 to order the Government of Alberta to communicate in some fashion or provide some  
34 information that he believes is available that hasn't been available. Again, I don't know  
35 where the Court, how the Court would do that or what jurisdiction the Court has to direct  
36 communication from the Government of Alberta. But more concerning, I would suggest,  
37 is, again, as I understood Mr. Dickson's comment is that he believes there is information  
38 that is available that hasn't been provided. So he is seeking an application, potentially, to  
39 try to address an unknown. I don't know how a respondent responds to that. I don't know  
40 how a Court responds to that in addressing information that is unidentifiable, but a belief  
41 from the applicant that it must exist. To the degree that Mr. Dickson feels there is



1 information about something that must exist that has not been provided, I would point out  
2 there is legislation, the *FOIP Act*, to allow individuals to pursue information from public  
3 bodies if they feel it is available or it exists, and that's an avenue for Mr. Dickson to  
4 pursue if that's what he is trying to, at the end of the day, get from this application if  
5 different from what the application actually indicates.

6  
7 That is my response, My Lady.

8  
9 THE COURT: Thank you. Mr. Dickson, anything arising?

10  
11 **Submissions by Mr. Dickson (Reply)**

12  
13 MR. DICKSON: I think the problem is that the facts are  
14 contradictory in what is currently publically available both as -- I mean when he made the  
15 original application the vaccines were, you know, the urgent matter and were effectively  
16 brought in the Crown's response. They have introduced something with Ministerial Order  
17 608 which clearly states that the Government of Alberta has a lot more information. They  
18 have been asked for that information through full disclosure requests with the courts and  
19 the ticketing process, and they have not -- they said it exists but they refuse to provide it.  
20 So that there is information there.

21  
22 I mean it is clear that we have -- the facts haven't been established in these matters. I  
23 heard the term 'judicial notice', I am not really sure what that is. I would argue that the  
24 facts haven't been established, and that is the whole problem. And, in fact, now that  
25 Ministerial Order 608 has been brought in it is clear and that ties in with every single  
26 order that Dr. Henshaw as written. The Government keeps saying they have all this  
27 information, and it keeps changing, but all they give us is the result of that information  
28 not the information itself and that seems to be open to interpretation.

29  
30 I mean the scientific advisory group back in August last year, and as I have put in  
31 evidence, said that these tests don't work for asymptomatic people and shouldn't be used  
32 and, yet, the Government used them in that way. The Government must have some more  
33 information that we are not aware of as to why that would be.

34  
35 The Government has said the tests, the rapid tests, are not reliable enough to be used, but  
36 then uses them. The vaccines and I understand -- my understanding of it is not Health  
37 Canada that is actually distributing the vaccines to Albertans and it, in fact, it appears that  
38 the Crown is sort of arguing with itself. It is saying that the responsibility of the vaccines  
39 and informed consent and everything is in the province, but then it is actually Health  
40 Canada that makes the decision.  
41

1 My understanding is that the Crown actually takes that information from Health Canada,  
2 reads it all, reviews it and they take the responsibility to ensuring that the general public is  
3 fully informed on the risks, the factors, and the facts so they can make a fully informed  
4 decision on what they are doing and that is what we are missing here.

5  
6 So as the Crown has introduced a document in their application to strike that goes back to  
7 before vaccines were even considered and states at the top of that, you know, whereas I  
8 received advice from the Chief Medical Officer of Health that COVID-19 presents a  
9 serious public health threat. I am not arguing that that's the case. But when I see how  
10 many people are listed as dying with, and how many have got comorbidities and how  
11 many would have died any way it's hard to reconcile. As I say, in my evidence, there was  
12 105 year old and a 107 year old with multiple comorbidities that are listed in the  
13 information that is justifying why we need to get vaccinated. Obviously there is some  
14 more information that the Government has.

15  
16 I mean I suppose an order, I am a retired police officer so to me, you know, I think about,  
17 even though he was a police officer in the UK I did advise the Crown and police agencies  
18 over here for many years. I go back to *Stinchcombe* and the fact that the Crown has a  
19 responsibility to actually produce all relevant information they have and I can't think of  
20 any other matter that has ever existed in this province where information the Crown  
21 currently has about COVID-19, the vaccines, masking, etcetera, that has driven their  
22 decisions to force the REP program, to shut down my ability to access health care,  
23 specific health care processes. That has put me in a position where I don't know whether I  
24 am going to die from the vaccine or die from COVID. I can't think of anything that is  
25 more critical for the Government to be open and transparent. And while the Government  
26 is not being open and transparent there is only one body that could actually do this, if not  
27 the courts who else can actually ask the Crown to produce this?

28  
29 The idea of putting in FOIP requests that would have to be a FOIP request for what  
30 information is it? Do I -- and a FOIP request firstly is redacted. I mean it gets so much  
31 information taken out of it and it is subject to so many conditions. It is not an appropriate  
32 mechanism. It is time consuming and it wouldn't achieve what, you know, to which  
33 Government department. At the end of the day the Government them self have said that  
34 they have information that justifies what they are doing not just with vaccines but --

35  
36 UNIDENTIFIED SPEAKER: Hello. How did it go today?

37  
38 MR. DICKSON: I think somebody has unmuted themselves. So I  
39 would ask if, you know, I suppose the style of cause, I think that's the wording, the focus  
40 here was the Government has given information that suggests that vaccines themselves  
41 are dangerous. The Government, based on their own submissions today, has outlined that,

1 you know, this is bigger than just the vaccines. The vaccines are just a part in parcel of  
2 things that I mean this is a response to actually maybe get rid of masks, maybe get rid of  
3 testing, although it doesn't seem to have done either of those things, it seems to have  
4 exacerbated both of them. But without the information that the Government states they  
5 clearly have. And if the Government doesn't have that information then we really are in  
6 trouble. I mean if the Government is acting on misinterpretations or a lack of information  
7 and is just literally doing it because somebody else said so or somebody else is doing it, if  
8 this Government is implementing the processes and policies and the vaccinations policies  
9 just purely and simply because another country or another province is doing it, then they  
10 are sorely neglecting their duty of care to Albertans. I mean that actually does scare me.  
11 If that is truly what the Crown is trying to say here is that when they outlined at the  
12 beginning that everybody else is doing it so, you know, that's important.

13  
14 We are not arguing about what everybody else is doing. This Government has a direct  
15 responsibility for the health and welfare of all Albertans, and right now the information  
16 that they provided that I can see and that is publically available by their own statements.  
17 These facts don't, are not clear, and we need clarity in there. And the only people that can  
18 provide that clarity is the Government and the only people that ensure they do provide  
19 that clarity is the courts.

20  
21 THE COURT: All right. Ms. MacDonald, anything arising, the  
22 discussion is sort of evolving as we go, so I just want to make sure that everyone has an  
23 opportunity to address any new argument.

24  
25 MS. MACDONALD: No, I have no further response.

26  
27 THE COURT: All right. So I believe I understand the parties  
28 positions. Mr. Dickson is there anything, any last comments that you want to make.  
29 What I propose to do is to adjourn and to come back at 2:00 with a decision. So Mr.  
30 Dickson, anything further?

31  
32 MR. DICKSON: As I have tried to outline, Your Honour, I think  
33 going back to Chief Justice Catherine Fraser, it is the Court's responsible where the  
34 Government is failing us to actually ensure that we are not failed. And that as the  
35 Government of Alberta has proven, you know, my application on Friday or a response to  
36 the application was that the Government is the true respondent in this application and the  
37 Government almost to prove my point on Monday by actually stepping in and exercising  
38 their authority as the ultimate authority for vaccinations, masks, testing, everything that  
39 has been implemented as a response to COVID, but they have done that without  
40 providing -- I mean the information clearly states that these vaccines do not have the  
41 proper tested information, do not have -- they are not fully tested. They are not -- the

1 groups that have produced these vaccines don't have enough information.

2  
3 We were given out these vaccines for the third dose without letting anybody know that  
4 they were not approved and not licensed for third dose. The governments are the only  
5 ones that actually have that information to provide. So if they hid that information for as  
6 long as they did, whether it is deliberate or not is irrelevant. The relevancy is the fact that  
7 the Government has clearly relevant information that they should be providing to the  
8 general public and for me, personally, for my personal position without that clear  
9 unfiltered information I don't know how I can make a decision, and yet my life is, by the  
10 Government's own admission, at risk if I do one thing or if I don't do that thing. And I am  
11 left in a situation where without court stepping in to actually clarify that point I don't  
12 know what else to do.

13  
14 I mean will I make it through this Christmas? I don't know. I really, really don't know.  
15 Will my mother-in-law? I don't know. And I don't know who else could possibly step in.  
16 This is a matter of urgency. People are making decisions not based on health, not based  
17 on clear information, but based on coercion, on panic, on just trying to get their life back  
18 and nobody should ever make decision about their health based on a lottery ticket or a  
19 \$100 or whether they get to keep their job or whether they can visit their family member.  
20 These decisions are life and death decisions, and the Government has the information to  
21 clarify what is the right decision to make. And right now those facts have not been, not  
22 been relayed in a way that anybody can understand and the courts are the only way that  
23 we can do that. We don't have time. There is no time to wait, you know, for 10 years  
24 while we go through a court process.

25  
26 If the Government -- the reality is if the Government has lied about any of this and people  
27 have died then the only people who could ever hold them to account would be the courts.  
28 If they have not lied and they have just been negligent in not providing information, then  
29 again, the only people who can hold them to account are the courts. If they are negligent,  
30 whether it be because they don't understand is irrelevant. The Government says they have  
31 that information.

32  
33 Minister Shandro says, in an order that I can't find and nobody in the public that I know of  
34 would be able to find because the Crown only produced it today and it doesn't seem to  
35 exist in the Government system that is supposed to produce public documents, says they  
36 have the information. It actually refers to it as a pandemic influenza. I mean if I posted  
37 on social media that COVID was a pandemic influenza my accounts would be blocked  
38 because it is not, and yet, the Crown has just introduced that as evidence.

39  
40 THE COURT:

41 Okay. So we are getting a little beyond the  
scope of your affidavits that were presented prior to this application, and as I say, the

1 discussion has evolved somewhat. But I think I understand the points that have been  
2 made and so I am going to adjourn now. It is almost 12 and we will be back at 2:00 and I  
3 hope at that time to give a decision. All right.

4

5 MS. MACDONALD: Thank you.

6

7 MR. DICKSON: Thank you, Your Honour.

8

9 THE COURT: Thank you very much.

10

11

12

13 PROCEEDINGS ADJOURNED UNTIL 2:00 PM

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I, Dwight Neilson, certify that this recording is the record made of the evidence in the proceedings in the Court of Queen's Bench held in courtroom 517 at Edmonton, Alberta, on the 3rd day of December, 2021, and that I, Dwight Neilson, was the court official in charge of the sound-recording machine during the proceedings.

1 **Certificate of Transcript**

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I, Laurie Stenberg, certify that

(a) I transcribed the record, which was recorded by a sound-recording machine, to the best of my skill and ability and the foregoing pages are a complete and accurate transcript of the contents of the record, and

(b) the Certificate of Record for these proceedings was included orally on the record and is transcribed in this transcript.

Laurie Stenberg, Transcriber  
Order Number: AL25969  
Dated: December 13, 2021

1 Proceedings taken in the Court of Queen's Bench of Alberta, Courthouse, Edmonton, Alberta

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4 December 3, 2021 Afternoon Session

5

6 The Honourable Court of Queen's Bench of Alberta

7 Justice Fagnan

8

9 S. J. MacDonald (remote appearance) For Her Majesty The Queen

10 (No Counsel) For D. Dickson (remote appearance)

11 D. Neilson Court Clerk

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12

13  
14 **Decision**

15

16 THE COURT: Good afternoon.

17

18 MS. MACDONALD: Good afternoon.

19

20 MR. DICKSON: Good afternoon.

21

22 THE COURT: So this is a decision of an application to strike in  
23 the matter of Dickson and Her Majesty The Queen in the Right of Alberta.

24

25 David Dickson has filed an originating application on October 19th, 2021 seeking  
26 injunctive relief against the Alberta Government.

27

28 The basis of the claim set out in the originating application can be paraphrased as follows:

29

30 It is in Albertans best interests that administration of COVID-19 vaccinations be stopped  
31 due to the seriousness and prevalence of side effects, risks and injuries; and it is also in  
32 Albertans best interests that they be provided with information including risks required  
33 for full and informed consent related to the COVID-19 vaccines.

34

35 It also says that there are serious issues to be tried regarding whether this relief should be  
36 granted, and persons who have received the COVID-19 vaccines in Alberta have and will  
37 continue to suffer irreparable harm which far outweighs the current harm associated with  
38 the virus, as will persons who are not provided with information relevant to full and  
39 informed consent, and the balance of convenience favour stopping the vaccinations given  
40 the side effects they are causing and it favours providing patients with all information  
41 relevant to full and informed consent.



1  
2 In the originating application Mr. Dickson relies on Sections 8 and 13(2) of the  
3 *Judicature Act* and various *Alberta Rules of Court*.

4  
5 Under the remedies sought he seeks an order to halt administration of all COVID-19  
6 vaccines in the Province of Alberta, or an order requiring that all persons receiving the  
7 COVID-19 vaccines be provided information relevant to full and informed consent  
8 including a comprehensive list of the risk factors associated with the vaccines.

9  
10 The Crown applies to strike Mr. Dickson's application under Rule 3.68 submitting that the  
11 application is an abuse of process, arguing that Mr. Dickson has neither public interest  
12 standing or private interest standing, and that the Court does not have jurisdiction to grant  
13 the relief sought.

14  
15 Mr. Dickson has filed affidavits in this matter which shed more light on the nature of his  
16 claim. In his initial affidavit in support of his originating application he expresses  
17 concern that health care professionals are not complying with the requirements of their  
18 college of standards of practice. He says that Dr. Henshaw has made statements in past  
19 orders that contravene the Canadian Medical Protective Association standard of practice  
20 and that she has interfered with doctor - patient care relationships in matters including  
21 mandating the use of face coverings.

22  
23 He deposes that he obtained a letter of exemption from his doctor on May 6th, 2020, but  
24 subsequent orders by Dr. Henshaw have rendered it obsolete. He takes the position that  
25 health care professionals are given no choice but to push vaccinations as the only option,  
26 despite a lack of fully informed consent from their patients.

27  
28 He further says that Premier Jason Kenny and others in Government have intensified the  
29 course of language to enforce mandatory vaccinations. He also refers to actions taken by  
30 Dr. Verna Yiu, CEO of Alberta Health Services with respect to all AHS employees.

31  
32 He says the wording of CPSA's exemption request, patient facts, suggests there are no  
33 exemptions. He alleges that doctors are unable to complete vaccine adverse impact  
34 assessments due to information not being available to them which is required to complete  
35 the reporting.

36  
37 He also alleges there is significant increase in severe adverse events related to COVID-19  
38 vaccines and that AHS and the Government use potentially confusing or misleading terms  
39 in reporting the numbers of cases diagnosed.

40  
41 He sets out a long list of information which he says should be provided so that the true

1 impact of COVID on the Alberta population can be assessed.

2  
3 He alleges that many Albertans have taken the vaccine without having been provided the  
4 information necessary for informed consent. That there has been coercion by incentives  
5 such as lottery, threat of loss of income and other financial penalties such as paying for  
6 one's own testing, and minimal turnaround times for the vaccinations.

7  
8 Mr. Dickson says he believes that the Government, Premier Kenny, Dr. Henshaw and Dr.  
9 Yiu are forcing COVID-19 vaccines on the Alberta public. That the administration of  
10 vaccines and effects are irreversible. The long term effects are unknown and there is  
11 sufficient evidence to prove that the vaccine has been damaging and deadly to many  
12 people in Alberta.

13  
14 Mr. Dickson further states that the vaccine mandates for Government employees and  
15 others to be fully vaccinated contravenes the intent of Bill 66 as it relates to mandatory  
16 vaccinations.

17  
18 He is critical of various statements made by Jason Kenny and Dr. Henshaw and alleges at  
19 a certain point in his affidavit that the Government is reckless and grossly negligent as the  
20 true extent of all this is not known or communicated.

21  
22 In a supplemental affidavit, he expresses concern about mandatory masking of visitors to  
23 care homes and encouragement not to visit residents if one is not vaccinated.

24  
25 He says Dr. Yiu made clearly misleading and potentially false statements regarding the  
26 reported vaccinations status of AHS employees and the impact of the mandatory  
27 vaccinations policy on AHS staffing levels.

28  
29 In a third affidavit, specifically in response to this application, Mr. Dickson states that he  
30 has received many other vaccinations, other than the COVID vaccine. He is in one of the  
31 highest risk categories for risk from COVID-19, and he is at the highest risk for injury or  
32 death from COVID-19 vaccines. He says that he has been unable to receive reliable and  
33 critical information from his health care professionals due to misinformation, lack of  
34 information, and interference by the Government.

35  
36 He is also the medical proxy for his mother-in-law who is in a care home.

37  
38 The masking mandates and closures of facilities have prevented him from being able to  
39 engage in his prescribed exercise health regime. He says doctors in Alberta have been  
40 told they will be disciplined or worse if they give out masks or vaccine exemptions.

41

1 He says his daughter and son were forced to be vaccinated for their jobs.

2  
3 His granddaughter is now being coerced to be vaccinated with Government created gains.  
4 Due to a letter from an education and health minister supported by the chief medical  
5 officer of health and Premier, he anticipates that he and his wife may be unable to enter  
6 his daughter's school despite being the primary emergency contacts for their  
7 granddaughter.

8  
9 He has been unable to visit his mother-in-law due to masking requirements and expects  
10 his wife to be unable to visit due to the strong recommendation that unvaccinated persons  
11 reconsider their need to visit.

12  
13 He says that the Crown has failed to provide support for the position that COVID-19 is a  
14 highly infectious communicable disease that specifically warrants the response it has  
15 taken since March 2020.

16  
17 He says that the Crown has failed to produce information despite multiple full disclosure  
18 requests under *Stinchcombe* and *Gubbins*. He points to changing consent forms over time  
19 and he says that the Crown must provide evidence that in the almost 7 million cases  
20 where the COVID-19 vaccination has been administered in Alberta there is documentary  
21 evidence to support informed consent.

22  
23 In a further affidavit, he points to communications indicating that the Government is  
24 directing AHS to introduce COVID-19 testing for AHS staff, and other communications  
25 indicating there are significant safety and efficacy concerns with rapid testing.

26  
27 Mr. Dickson also provided three additional affidavits: One sworn by **Redacted** , a  
28 family physician from Calgary who attests antidotally to experience with five patients  
29 who he believes experienced vaccine side effects; **Redacted** , a registered mid wife  
30 from Calgary who is concerned that pregnant women are being pressured to receive  
31 vaccinations that increase risk to them and their babies based on concerns about two  
32 clients who delivered small for gestational babies, one of which involved a placenta that  
33 she said had unusual lesions; and the third affidavit from **Redacted** , also a  
34 registered mid wife from Calgary, who appears to refer to the same cases mentioned by  
35 **Redacted** and echos the same concerns.

36  
37 The Crown, who I will refer to as the applicant on this application, outlines the relevant  
38 legislative framework. The Ministerial Order 608/2020, Minister of Health pursuant to  
39 Section 15.1 of the *Public Health Act* ordered that the provisions of the *Act* relating to  
40 communicable diseases apply to COVID-19.  
41

1 Section 2 of the *Communicable Disease Regulation* provides the Minister of Health with  
2 a statutory authority to provide any drugs, medicines, and biological agents for the  
3 prevention, treatment or modification of communicable diseases.

4  
5 Further, Section 2.1 of the *Communicable Disease Regulation* gives the Regional Health  
6 Authority which is Alberta Health Services the statutory authority to implement  
7 distribution of a vaccine. As well as the requirement to ensure that employees who  
8 administer vaccines are trained to do so. AHS has issued Policy Number PRR01 entitled  
9 Consent to Treatment Procedures which sets out the elements and requirements for  
10 informed consent.

11  
12 Section 133 of the *Health Professions Act* gives statutory authority to the Council of  
13 Colleges for regulated professions to adopt codes of ethics and standards of practice  
14 which would include standards related to informed consent for its regulated professions.

15  
16 Alberta Health Directive D1/2021 signed on January 7th, 2021 by Dr. Deanna Henshaw  
17 directed that AHS and all medical officers of health to employ authorized knowledge  
18 about regulated health practitioners to assist with COVID-19 immunization and to ensure  
19 that they are trained to administer vaccines in accordance with the relevant provisions of  
20 AHS's immunization program standards manual, immunization policy and any other  
21 guidance documents issued by AHS pertaining to COVID-19 immunizations and the  
22 immunization regulation.

23  
24 Alberta Health Directive D5/2021 signed February 24th, 2021 appears to have extended  
25 the direction to graduate and student nurses.

26  
27 Pursuant to Schedule 7.1 of the *Government Organization Act* and the regulations under  
28 the *Health Professions Act* certified graduate nurses, critical advanced care paramedics,  
29 dentists, licensed practical nurses, pharmacists, midwives, nurse practitioners, physicians,  
30 pediatricists, registered psychiatric nurses and registered nurses are authorized to administer  
31 vaccine in Alberta.

32  
33 The applicant provided AHS Policy Document PRR01, Consent to Treatment Procedures,  
34 retrieved from the AHS web site on October 28th, 2021 which states that the most  
35 responsible health practitioner providing a treatment or procedure has a duty to obtain  
36 informed consent and that all consent, whether express or implied, shall be informed.  
37 They prescribed certain forms. It also states that the accountable to obtain informed  
38 consent shall rest with the most responsible health practitioner who is providing the  
39 specific treatment or procedure, and that person is responsible for confirming the validity  
40 of informed consent prior to the delivery of the treatment or procedure.

41

1 Clause 13(3.2) provides that that person shall ensure all necessary information has been  
2 provided to the patient so that the patient can make an informed decision about the  
3 treatment or procedure, including potential risks and benefits. It defines informed consent  
4 as the patient's agreement to undergo a treatment procedure after being provided in a  
5 manner the patient can understand with the relevant information about the nature of the  
6 treatment, procedure, its benefits, potential risks and alternatives, and potential  
7 consequences of refusal.

8  
9 The applicant also provided standards of practice for various colleges respecting informed  
10 consent

11  
12 Rule 1.2 of the *Alberta Rules of Court* sets out the purpose and intention of the *Rules of*  
13 *Court*. It provides, in part, that: (as read)

14  
15 The purpose of these rules is to provide a means by which claims can be  
16 fairly and justly resolved in or by a court process in a timely and cost  
17 effective way; and to achieve the purpose and intention of these rules,  
18 the parties must jointly and individually, during an action, identify or  
19 make an application to identify the real issues in dispute and facilitate  
20 the quickest means of resolving the claim at the least expense; and when  
21 using publically funded court resources use them effectively.

22  
23 Rule 3.68 provides in part that: (as read)

24  
25 If the circumstances warrant and a condition under Rule (2) applies the  
26 Court may order one or more of the following:

27 (a) that all or any part of a claim or defence be struck; and.

28 (2) is that the conditions for the order are one or more of the following:

29 (a) the Court has no jurisdiction;

30 (b) a commencement document or pleading discloses no reasonable  
31 claim or defence to a claim; and --

32  
33 Skipping(c): (as read)

34  
35 (d) says a commencement document or pleading constitutes an abuse of  
36 process.

37  
38 The applicant's first argument is that Mr. Dickson does not have standing either private or  
39 public to bring the originating application. If there is no standing to bring a claim, it  
40 follows that there is no reasonable prospect that a claim will succeed, and I am referring  
41 to *AUPE v Alberta* 2021 ABQB 371, citing *Soldier v Canada* 2009 NBCA 12.

1  
2 It is therefore appropriate to consider the issue of standing in an application under Rule  
3 3.68.

4  
5 In *Canada v Downtown Eastside Sex Workers United Against Violence Society* 2012 SCC  
6 45. The Supreme Court noted that: (as read)

7  
8 Courts have long recognized that limitations on standing are necessary  
9 and not everyone who may want to litigate an issue regardless of  
10 whether it affects them or not should be entitled to do so.

11 The Court explains that limits ensure an appropriate allocation of  
12 judicial resources and ensure that courts have the benefit of contending  
13 points of view from the parties who will be most directly affected by a  
14 determination of the issues, and preserve the proper role of the courts  
15 with respect to their constitutional relationship to other branches of  
16 Government. In determining whether to grant standing, courts should  
17 exercise their discretion and balance the underlying rationale for  
18 restricting standing with the important role of the courts in assessing the  
19 legality of Government action. At the root of the law of standing is the  
20 need to strike a balance between ensuring access to the courts and  
21 preserving judicial resources. The factors to be considered in exercising  
22 the discretion to grant or refuse standing should not be treated as  
23 technical requirements, and the principles governing the exercise of this  
24 discretion should be interpreted in a liberal and generous manner.  
25

26 The applicant says that Mr. Dickson does not have private interest standing to bring the  
27 claim which seeks to address issues affecting the public.  
28

29 The applicant submits that personal opinion is not the same as private interest standing  
30 and Mr. Dickson does not have a personal interest in the availability of vaccines for other  
31 Albertans.  
32

33 The Government has not engaged Mr. Dickson in a court process and he is not being  
34 required to get a vaccine. Mr. Dickson deposes that he understands that he is in one of the  
35 highest risk categories for adverse side effects from COVID-19, and also at high risk for  
36 dying from COVID. He says that these two messages are completely contradictory, and  
37 he has been left unable to make an informed decision as to whether or not to receive the  
38 vaccine himself or to provide consent for his mother-in-law. He says this inability to  
39 make an informed decision is due to misleading information, gaps in or lack of  
40 information, and withholding of information and interference by the Government. He  
41 alleges that health care workers and doctors cannot give him information or they will be

1 fired. And he says that the interference by the Government resulting in closure of  
2 exercise facilities, as mentioned previously, has led to deterioration of his health. He is  
3 concerned about family members who have been coerced to be vaccinated and he, again,  
4 may be unable to enter his daughter's school in the future despite being a primary  
5 emergency contact for her.

6  
7 "Private interest standing arises as a matter of right from a direct relationship between the  
8 person and the state". That is from *Downtown Eastside Sex Workers United Against*  
9 *Violence Society* 2010 BCCA 439: (as read)

10  
11 To have private interest standing a person must have a personal and  
12 direct interest in the issue being litigated. They must themselves be  
13 specifically affected by the issue. It is not enough that the person has a  
14 sense of grievance or will gain the satisfaction of righting a wrong or is  
15 upholding a principle or winning a contest. The person must have a  
16 personal legal interest in the outcome.

17 Where the party initiating the litigation has a personal legal interest in  
18 the outcome standing exists as a right.

19  
20 I am referring to *Carroll v Toronto Dominion Bank* 2021 ONCA 38: (as read)

21  
22 Where there is such a direct relationship a person may, for example,  
23 challenge the constitutional validity of the legislation as part of making  
24 full answer in defence. Such standing derives from a party having a  
25 direct personal interest in a question to be determined by the Court.

26  
27 Referring to *Sorenson v Swinemar* 2020 NSCA 62.

28  
29 Although Mr. Dickson is personally affected by COVID measures implemented by the  
30 Government, his claim is clearly brought on behalf of the public at large. He has not pled  
31 any originating notice, the circumstances of any particular personal experience. The  
32 particulars of this pleading insofar as they might be found in his affidavits are also vague  
33 with respect to any alleged wrongdoing which has had a direct impact on him personally.  
34 For example, it is not alleged that he received the vaccine, suffered a negative side effect  
35 or adverse reaction, nor does he allege that on a particular occasion he was provided  
36 inaccurate information or was coerced by someone.

37  
38 Although he suggests that he has not received enough information to be able to decide  
39 whether or not to get the vaccination, he provides in his affidavit detailed information and  
40 statistics about side effects and adverse reactions which appears to be the very type of  
41 information he wishes the authorities to impart to the public. He says that the

1 Government has not provided sufficient information in support of the vaccinations.

2  
3 Further, it appears he has not been coerced or persuaded to receive the vaccination to  
4 date. Most importantly, the remedies he seeks, being an injunction to stop vaccinations of  
5 Albertans, and or to provide information to Albertans regarding side effects and adverse  
6 reactions are clearly not confined to his situation.

7  
8 A private complainant may not normally in institute a proceeding in respect of an injury  
9 suffered by the public at large, and that is from *Eastside*. There are, however, occasions  
10 when public interest litigation is an appropriate vehicle to bring matters of public interest  
11 in accordance before the courts and that brings me to the applicant's second argument.

12  
13 The applicant argues that Mr. Dickson does not have public interest standing, where a  
14 person seeks to advance a claim on the basis of public rights shared generally by the  
15 public or a subset of the public that person may be granted public interest standing to  
16 challenge the legislation to ensure that important actions of Government are not insulated  
17 from effective legal challenge.

18  
19 Public interest standing is granted by a court in the exercise of discretion. A private  
20 individual may institute proceedings in a non constitutional challenge to a statutory  
21 authority for administrative actions on the basis of public understanding. The issue is  
22 appropriate for judicial determination, there is a serious issue in which the individual has  
23 a genuine interest, and there is other reasonable and effective manner to bring the issue  
24 before the Court. That is from *Borowski* 1981 2 SCR 575 and *Finlay* 1986 2 SCR 607.

25  
26 "The Court is to take a liberal and generous approach in its consideration of the matter of  
27 public interest standing". That is from *Canadian Council of Churches* 1992 1 SCR 236.

28  
29 The factors outlined in *Borowski* are interrelated and are to be considered cumulatively.

30  
31 So the first question is does the case raise a serious justiciable issue?

32  
33 The applicant argues that the originating application does not raise a serious justiciable  
34 issue and that it is impossible to discern an identifiable cause of action in what is before  
35 the Court. The Court does not have any jurisdiction to assume the authority that has been  
36 granted to various bodies relating to standards of practice and the applicant is not the  
37 proper party as the respondent on any issue involving the standards of practice of  
38 regulated health professionals.

39  
40 Further, the applicant argues that the jurisdiction to decide whether vaccines will be  
41 available in Alberta has been given to the Crown, and the process of its distribution to



1 AHS. The details of the standards that health professionals are to abide by, including  
2 informed consent and what that looks like in the administration of that scene, lies with  
3 AHS and the colleges of the various health professionals involved.

4  
5 The applicant says there is no hole the Court needs to fill and it would not be an  
6 economical or efficient investment of judicial resources for the Court to weigh into the  
7 realities and myriad of information relating to COVID, its impact, the approval of  
8 vaccines in Canada, and the subsequent availability of vaccines in Alberta. Nor is there a  
9 sufficient factual and evidentiary basis for the originating application as Mr. Dickson's  
10 affidavits contain his personal opinions and views, but he has no medical or health related  
11 experience for expertise.

12  
13 The applicant says the third party affidavits contain limited antidotal and hearsay  
14 evidence about unknown Albertans. The question raised must be a substantial  
15 constitutional issue or an important one, and no constitutional question or challenge is  
16 raised and the claim is so unlikely to succeed that the result can be seen as a foregone  
17 conclusion.

18  
19 The applicant says there is no real likelihood the Court would ban vaccines in Alberta,  
20 and further, it is unlikely the Court would enter into the arena of directing health  
21 professionals as to how to carry out their duties in the provision of health services such as  
22 what informed consent must look like in providing vaccinations.

23  
24 The applicant says there is a lack of factual information and the entities authorized to  
25 make those decisions are not part of this application.

26  
27 Mr. Dickson responds that the patient - doctor relationship, the issue of informed consent,  
28 and health and life, could not be more justiciable in the sense of being extremely  
29 important, and that the current COVID measures are unprecedented. He says the consent  
30 forms are deliberately designed to allow for relevant information to be withheld at the  
31 time of vaccination, and that the Crown should be put to the strict proof to address  
32 whether there is a serious justiciable issue.

33  
34 "The requirement of the justiciable issue ensures that courts in the exercise of discretion  
35 regarding standing remain within the bounds of their proper constitutional role". That is  
36 from *Finlay*.

37  
38 In *Highwood Congregation of Jehovah's Witnesses v Wall* 2018 SCC 26 the Court  
39 explained that: (as read)

40  
41 Justiciability relates to many whether to decide a matter in courts. In

1 other words, whether the subject matter of a dispute is appropriate for a  
2 court to decide. While there is no single set of rules delineating the  
3 scope of justiciability, the court should ask whether it has the  
4 institutional capacity and legitimacy to adjudicate the matter.  
5

6 As the applicant noted, the Court is to consider whether the matter before the court would  
7 be an economical and efficient investment of judicial resources to resolve whether there is  
8 a sufficient factual and evidentiary basis for the claim, whether there would be an  
9 adequate adversarial presentation of the party's positions and whether no other  
10 administrative or political body has been given prior jurisdiction of the matter by Statute.  
11

12 "Where there is an issue with is appropriate for judicial determination, the court should  
13 not decline to determine it on the ground that because of its policy context or implications  
14 it is better left for review and determination by the legislative or executive branches of  
15 Government". And that is from *Finlay* at 632 to 633.  
16

17 So the fundamental question for the Court on the point of public interest standing is  
18 whether this is an appropriate issue for a court to decide.  
19

20 Although Mr. Dickson is critical of various aspects of the COVID measures implemented  
21 in Alberta, he does not frame in his pleading or otherwise asserted any cause of action  
22 relating to legislation invalidity, a specific unlawful act or reviewable administrative  
23 action. Rather, that he has simply pleaded in general terms that there has been  
24 wrongdoing on the part of a number of individuals and the Government at large, and the  
25 vaccination program should be stopped pending a trial regarding vaccine risks and  
26 provision of what he considers to be the missing relevant information.  
27

28 He has pled that there is a serious issue to be tried but has not plead or outlined any cause  
29 of action upon which that rebuke would be based. The difficulty in discerning what the  
30 legal cause or causes of action might be do not bode well in terms of the economical and  
31 efficient investment of judicial resources and whether there would be adequate adversarial  
32 presentation of the party's positions.  
33

34 The second factor or question is, does Mr. Dickson have a real stake or general interest in  
35 the outcome?  
36

37 The applicant submits that Mr. Dickson does not have a real stake or genuine interest in  
38 the outcome of the originating application. His personal opinion does not give him a real  
39 stake in the proceeding regarding provision of vaccines and informed consent. He does  
40 not have a direct personal interest in whether his neighbour has access to the vaccines.  
41 He has declined to receive a vaccination and he is entitled to make that decision, but there

1 is no vaccine mandate from the Government.

2  
3 He refers to vaccine mandates in some places of employment, but that is not mandating  
4 vaccines for citizens of Alberta at large, and none of those employment particulars pertain  
5 to his situation nor is that what his application is seeking.

6  
7 The applicant says he also refers to mask mandates which are not the same as vaccine  
8 availability, and he has no reputation or link or continuing interest outside of this  
9 application relating to the issue of vaccine availability.

10  
11 Mr. Dickson relies on this point on the arguments he put forward in relation to private  
12 interest standing which I have already outlined.

13  
14 In some cases, a concerned citizen has been found to have a genuine interest in  
15 determination of a legal issue. For example, in *Borowski* the Court found that the plaintiff  
16 had a genuine interest in challenging certain legislative provisions regarding abortion. He  
17 was a concerned citizen and tax payer and he had sought unsuccessfully to have the issue  
18 determined by other means.

19  
20 The Supreme Court in *Eastside* noted that courts depend on the parties to present the  
21 evidence and relevant arguments fully and skillfully. Courts will consider factors such as  
22 the plaintiff's reputation and demonstration of a real and continuing interest in the issue  
23 and link with the claim.

24  
25 Mr. Dickson says he is an expert in relation to informed consent which developed as a  
26 result of his role as a policeman, and subsequent activities as outlined in his curriculum  
27 vitae. While recognizing his experience in relation to informed consent in a non medical  
28 setting, and his passion with respect to these issues and with all due respect to Mr.  
29 Dickson, he is not well qualified to bring this originating application in the public interest.  
30 His CV does not reflect a real and continuing interest in public health policy nor advocacy  
31 on behalf of others in that area. He has no training in medicine, public health,  
32 epidemiology or public health policy, nor does he appear to be supported in his litigation  
33 efforts by anyone with that relevant training.

34  
35 He is also self-represented. The courts are very concerned with facilitating access to  
36 justice to all, whether represented or unrepresented. However, in the case of determining  
37 whether to exercise the discretion to grant public interest standing in this case, this is a  
38 factor which must be considered. Although according to Mr. Dickson's CV he has been  
39 taking some courses in law, his originating pleading, his approach to this application and  
40 the materials he has submitted, clearly indicate that he is out of his depth even on this  
41 relatively straightforward application to strike, and I say this with no disrespect to Mr.

1 Dickson's intellectual abilities. He has shown himself to be very articulate, measured and  
2 thoughtful in addressing this Court on this application.

3  
4 The next question is the proposed action a reasonable and effective means of bringing the  
5 case to court?

6  
7 The applicant asserts that the originating application is not a reasonable and effective  
8 means of bringing the challenge to court. Mr. Dickson lacks relevant expertise and the  
9 evidence is not concrete or factually developed.

10  
11 The applicant says there are no rights being affected by any disadvantaged population, by  
12 the availability of vaccines for Alberta.

13  
14 The applicant further argues that any concerns, for example, that the midwives may have  
15 may be raised with their regulated body and if anybody has concerns about the  
16 vaccination process they can raise those concerns with the providers, colleges of the  
17 health care professionals involved.

18  
19 Mr. Dickson has made the decision not to receive the vaccination, but he is seeking to  
20 take away the ability of others to make that decision for themselves. The applicant further  
21 argues that regarding Mr. Dickson's argument today that he wants the Government to  
22 provide information which he believes is available but has not been provided. The  
23 Government is not able to respond to something that is unidentifiable.

24  
25 FOIP legislation does allow individuals to pursue information from public bodies if they  
26 feel it is available or exists, although that is different from the type of relief sought in the  
27 actual application.

28  
29 Mr. Dickson argues that the matter is urgent and if he gets vaccinated and dies or catches  
30 COVID and dies, similar to the risks posed to many others, this is something that cannot  
31 be compensated and, therefore, it is not suitable for a civil lawsuit for compensation. As  
32 well, the timelines associated with traditional litigation are not suitable considering the  
33 urgency of the matter.

34  
35 Mr. Dickson says that the Crown has just recently provided MO608 which he says was  
36 not publically available which clearly indicates that the Government has additional  
37 undisclosed information.

38  
39 Mr. Dickson submits that FOIP requests are redacted and subject to many conditions and  
40 are time consuming. He says the Crown should abide by *Stinchcombe* in terms of  
41 provision of information. And further, only the court can hold the Government to account

1 if it has lied or if people have died or if there has been some negligence. He submits that  
2 the Court has to step in to clarify whether he and others should or should not get the  
3 vaccine.

4  
5 The Court in *Eastside* said that this third factor engages consideration of the nature of the  
6 issue and the institutional capacity of the courts to address it. He provided a  
7 non-exhaustive list of factors that would be useful to consider when assessing this third  
8 factor.

9  
10 First, the Court should consider the plaintiff's capacity to bring forward a claim. In doing  
11 so, it should examine, amongst other things, the plaintiff's resources, expertise and  
12 whether the issue will be presented in sufficiently concrete and well developed actual  
13 setting.

14  
15 Mr. Dickson is a medically retired police officer from the UK. He says he has expertise  
16 in various fields including informed consent, cyber security and privacy and compliance.  
17 He has chaired the provincial federal technical working group for Justice in Alberta and  
18 has been invited to speak on E disclosure at the chiefs of police and chiefs of Justice  
19 conferences on multiple occasions.

20  
21 However, as earlier mentioned he has no training in medicine, public health,  
22 epidemiology or public health policy nor is he legally trained so as to be in a position to  
23 advance his concerns in court in an effective manner. Further, nothing in the materials he  
24 has filed so far suggests that he has consulted with or would have assistance or support of  
25 any with relevant expertise in these areas. I do recognize that he has filed affidavits of  
26 one family physician and two midwives, but there is nothing to suggest again that these  
27 individuals have any particular expertise in public health, epidemiology or public health  
28 policy.

29  
30 Secondly, the Court should consider whether the case is of public interest in the sense that  
31 it transcends the interests of those most directly affected by the challenged law or action.  
32 The Court should take into account that one of the ideas which animates public interest  
33 litigation is that it may provide access to justice for disadvantaged persons in society  
34 whose legal rights or affected. At the same time, it should not be equated with a license  
35 to grant standing to whoever decides to set themselves up as the representative of the  
36 recalling poor or marginalized.

37  
38 The COVID vaccine program and other measures affect all Albertans. This Court can  
39 take judicial notice of the fact as reported in the news that there is a portion of the Alberta  
40 population who have raised various questions in different settings about COVID measures  
41 including vaccines. Indeed, there are ongoing public debates throughout the world in

1 terms of COVID related measures.  
2

3 Given the fact that the COVID vaccine program and other measures affect virtually all  
4 Albertan citizens to varying degrees, there is no basis to infer that Mr. Dickson's action is  
5 required to provide access to justice for others. It would be unreasonable to infer in the  
6 circumstances that it falls to Mr. Dickson to be the standard bearer on behalf of all  
7 Albertans or those members of the population who take issue with certain measures and  
8 are more directly affected by them.  
9

10 Thirdly, the Court should turn its mind to whether there are realistic alternative means  
11 which would favour a more efficient and effective use of judicial resources and would  
12 present a context more suitable for adversarial determination. Courts should take a  
13 practical and pragmatic approach. The existence of other potential plaintiffs, particularly  
14 those who would have standing as a right is relevant, but the practical prospects of their  
15 bringing the matter to court at all or by equally or more reasonable and effective means  
16 should be considered in light of the practical realities not theoretical possibilities.  
17

18 The Court should consider not only the particularly legal issues or issues raised, but  
19 whether the plaintiff brings any particular useful for distinctive perspective to the  
20 resolution of those issues. Even where there may be persons with a more direct interest in  
21 the issue the plaintiff may have a distinctive and important interest different from them  
22 and this may support granting discretionary standing.  
23

24 Mr. Dickson is not better placed than other Albertans with respect to various measures he  
25 has raised. For example, persons who have actually suffered at first reactions, those  
26 whose employers required vaccination or masking, those who have been penalized for  
27 contravene health mandates, etcetera. He has no distinctive and important interest or  
28 perspective that distinguishes him as particularly apt to advance his originating  
29 application.  
30

31 As well, he has not provided evidence about any other steps he has taken to address his  
32 concerns. He submits that he has been prejudiced by misinformation or gaps in  
33 information, but does not appear that he is engaged in the court process.  
34

35 With respect to informed consent there is no evidence that he has made complaints to or  
36 communicated with any of the colleges whose numbers have been obtaining informed  
37 consent to discuss his concerns about the information provided at the time of vaccination.  
38

39 He says that the *Stinchcombe* requests that have been made in ticketing cases have been  
40 unproductive.  
41

1 Finally, the Court is to consider the potential impact of the proceedings on the rights of  
2 others who are equally or more directly affected. Indeed, the courts should pay special  
3 attention where private and public interests may come into conflict. The Court should  
4 consider, for example, whether the failure of a diffuse challenge could prejudice  
5 subsequent challenges to the impugned rules by parties with more specific and factually  
6 established complaints.

7  
8 Conversely, if those with a more direct and personal stake in the matter have deliberately  
9 refrained from suing, this may argue against exercising discretion in favour of standing.

10  
11 As the applicant has pointed out, Mr. Dickson has chosen to date to decline to receive a  
12 vaccination, but seeks a remedy in the first instance which would essentially deprive  
13 members of the public from deciding to make that decision for themselves. And  
14 furthermore, there are, as mentioned previously, various matters referred to by Mr.  
15 Dickson which would more directly affect certain individuals such as employment  
16 vaccine mandates.

17  
18 Significantly, it appears that Mr. Dickson is seeking a public forum in which to debate  
19 public health policy decisions, weighing benefits and risks of the COVID vaccines and  
20 the steps taken by various individuals and agencies to address the situation over more than  
21 a year and a half. The breadth of the allegations and opinions contained in his affidavit  
22 suggest that this would amount to an "unwieldy inquiry into the science underlying  
23 COVID-19 and vaccines", whether there is support for various measures imposed over  
24 time, the accuracy of information provided to the public at various points in time and  
25 statements made by various individuals and entities since COVID measures have been  
26 implemented, examination of statistics relied upon, introduced by the Government among  
27 other topics. The concern about the scope of this action is amplified by Mr. Dickson's  
28 affidavits and comments with respect to what he views as the onus on the Government to  
29 justify the steps taken.

30  
31 In sum, it appears that his intention is to advance a wide ranging action with no legal or  
32 relevant medical expertise and his assertion that other courses of action are not viable due  
33 to the urgency of the situation is not in keeping with tenure and breadth of his claim as  
34 reflected in his materials.

35  
36 I conclude that Mr. Dickson has neither private nor public interest standing.

37  
38 Although not necessary for my conclusion on this application and will comment on the  
39 court's jurisdiction to provide the relief which Mr. Dickson seeks in his originating  
40 application, there is a general prohibition on the granting of an injunction against the  
41 Crown. Section 17 of the *Proceedings Against the Crown Act*.

1  
2 An injunction against the Crown is prima facie impermissible based on that section.  
3 There are exceptions to this general rule. Primarily when the Crown is acting *ultra vires*  
4 or is deliberately flouting the law.

5  
6 Mr. Dickson has not pointed to any valid basis for an exception to the general prohibition  
7 in this case. Mr. Dickson submits that whether or not the Crown is acting  
8 unconstitutionally or *ultra vires*, its lawful authority can only be discovered through a trial  
9 of the facts and an injunction might be available in the context of novel claims in rapidly  
10 evolving areas of the law, citing *Peter Lehmann Wines* 2015 ABQB 481.

11  
12 He submits that the Crown has not come close to proving their application to strike, but  
13 rather has raised significant questions to be answered at trial and as such it is putting the  
14 cart before the horse.

15  
16 The fact that Mr. Dickson has not put forward a recognizable cause of action does not  
17 make the case novel. There is no argument that the Government has acted in a manner  
18 which it is unconstitutional or *ultra vires*. Mr. Dickson has not pled nor did he present  
19 any authority on this application to the affect that the Government is deliberately flouting  
20 any particular law.

21  
22 With respect to consent, the statutory authority to adopt standards of practice has been  
23 given to other bodies. The originating application does not allege any unlawful act by the  
24 Government. It does not raise a constitutional or *Charter* issue. It simply alleges that it is  
25 in the best interests of Albertans that vaccine administration be halted and that they be  
26 advised of risks associated with the vaccine in order to be in a position to provide full and  
27 informed consent.

28  
29 Mr. Dickson's affidavits contain more specific allegations, but these are not framed in  
30 legal terms. Rather, he provides a list of often somewhat vague complainants about  
31 policies implemented and information provided or allegedly withheld among other things.

32  
33 So that brings me to the conclusion. I want to make it clear that the question before the  
34 Court on this application is not whether Mr. Dickson is genuine in his concern or his  
35 desire to litigate the issues he has raised relating to COVID-19 vaccine side effects.  
36 There is no doubt about that. He has done his best to communicate his concerns to the  
37 Court in an articulate fashion.

38  
39 The application to strike is fundamentally about whether it is appropriate and proper to  
40 engage the court process to address the concerns raised as framed in Mr. Dickson's  
41 originating application and as a means to achieve the relief he seeks therein.



1  
2 I find that Mr. Dickson does not have private interest standing to bring this particular  
3 originating application which is clearly aimed at sweeping relief on behalf of the public.  
4 The Court declines to exercise its discretion to grant public interest standing for the  
5 reasons previously discussed. Finally, Mr. Dickson has not persuaded the Court that it  
6 has jurisdiction to grant the injunctive relief he is seeking against the Government.

7  
8 That brings me to the end of the decision. Is there anything further that is required of the  
9 Court?

10  
11 MS. MACDONALD: My Lady I guess I would just ask about  
12 finalizing the form of order. I think the one that the Court has was provided previously  
13 would have dates that are inaccurate. So I am not sure if that would be appropriate to still  
14 be used or one should be provided and, if so, whether 9.4(2)(c) should be invoked.

15  
16 THE COURT: Yes. We will invoke 9.4(2)(c) and I am not sure  
17 that I have that in any event, so I think it would make more sense to send a revised form  
18 of order.

19  
20 **Submissions by Ms. MacDonald (Costs)**

21  
22 MS. MADCONALD: Okay, so in that regard, My Lady, since you  
23 don't have a copy of the draft, my initial instructions in this matter were to seek costs. In  
24 that order it is drafted it indicates a cost of \$675 which is our understanding of one  
25 opposed application under the first column of Schedule C.

26  
27 THE COURT: All right.

28  
29 MS. MADCONALD: My instructions have not changed in that regard.

30  
31 THE COURT: All right, and so Mr. Dickson I want to give I an  
32 opportunity to speak to that request for costs. Whoops and you are muted.

33  
34 **Submissions by Mr. Dickson (Costs)**

35  
36 MR. DICKSON: Your Honour, since this started I have not been  
37 able to work. All of this application was done at my cost. I don't even know where to go  
38 from here. The irony of it is I was assisted by a lawyer in drafting this, and the only part  
39 that actually seems to be most critical of was the part that was actually drafted by a  
40 lawyer which is the application itself.

41

1 I don't know what to do anymore. I really am at the mercy of the Court. Yes, unlike the  
2 Crown I don't have the luxury of e-filing things. I have had to drive backwards and  
3 forwards. I have had to make three copies of everything. This has cost me thousands  
4 already. But if the Crown wants their costs then why not give them their money. I don't  
5 know what to do anymore. There are no lawyers that are actually going to do anything.  
6 They are too busy making money. People are dying and the Government is never going to  
7 -- we have set the precedent now that the Government basically will never provide the  
8 information to anybody. So I have to make a decision. Do I die by COVID or do I die by  
9 vaccine? If I am able to live my life maybe I will just take it and see how long that lasts.

10  
11 THE COURT: Ms. MacDonald, any response?

12  
13 MS. MADCONALD: No, My Lady, the costs are completely in the  
14 discretion of the Court so we will draft the order as you direct.

15  
16 **Ruling (Costs)**

17  
18 THE COURT: All right, and so the applicant is entitled to a  
19 cost having been successful on this application, however, given Mr. Dickson's  
20 submissions with respect to financial hardship, I am going to award a reduced amount of  
21 \$500. All right.

22  
23 MS. MADCONALD: Thank you, My Lady.

24  
25 THE COURT: All right. Thank you to both Ms. MacDonald  
26 and Mr. Dickson for the extensive arguments that you have prepared and thank you for  
27 your patience. Have a good day.

28  
29 MS. MADCONALD: Thank you.

30  
31  
32 PROCEEDINGS CONCLUDED  
33  
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41

1 **Certificate of Record**

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3 I, Dwight Neilson, certify that this recording is the record made of the evidence in the  
4 proceedings in the Court of Queen's Bench held in courtroom 517 at Edmonton, Alberta,  
5 on the 3rd day of December, 2021, and that I, Dwight Neilson, was the court official in  
6 charge of the sound-recording machine during the proceedings.

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1 **Certificate of Transcript**

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I, Laurie Stenberg, certify that

(a) I transcribed the record, which was recorded by a sound-recording machine, to the best of my skill and ability and the foregoing pages are a complete and accurate transcript of the contents of the record, and

(b) the Certificate of Record for these proceedings was included orally on the record and is transcribed in this transcript.

Laurie Stenberg, Transcriber  
Order Number: AL25969  
Dated: December 8, 2021