

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

PROCEEDINGS

Edmonton, Alberta
November 5, 2021

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

2

3 November 5, 2021

Morning Session

4

5 The Honourable Justice Ackerl

Court of Queen's Bench of Alberta

6

7 (No Counsel)

For D. Dickson

8 S.J. MacDonald (remote appearance)

For Her Majesty the Queen in Right of the
Province of Alberta

9

10 S. Bellec

Court Clerk

11

12

13 THE COURT:

Any other brief matters?

14

15 At this point I would turn to number 12 on the docket. That is the matter of David Dickson
16 and Her Majesty the Queen. Are the parties present?

17

18 MR. DICKSON:

Yes, Your Honour.

19

20 THE COURT:

Okay. Come forward.

21

22 Is the Crown present?

23

24 MS. MACDONALD:

Yes, Sir.

25

26 THE COURT:

And you are David Dickson?

27

28 MR. DICKSON:

I am, Your Honour.

29

30 THE COURT:

Okay. Thank you.

31

32 And who is appearing on behalf of the Crown?

33

34 MS. MACDONALD:

It's Shelley MacDonald with Alberta Justice, Sir.

35

36 **Discussion**

37

38 THE COURT:

Are the parties expecting this matter to proceed

39 in morning chambers today?

40

41 MS. MACDONALD:

Sir, if I can give you some background. And

1 perhaps I could ask: The material that was filed last week by my office; is that before you?

2

3 THE COURT: It is not.

4

5 MS. MACDONALD: That was my --

6

7 THE COURT: Mr. Dickson, did you receive a copy of that
8 material?

9

10 MR. DICKSON: I did, Your Honour.

11

12 THE COURT: Okay. Thank you. The Court did not, and that
13 was going to be my first question following whether the parties expected the matter to
14 proceed.

15

16 MS. MACDONALD: Yes, Sir. Just a bit of a background. So this
17 matter was first in court two weeks ago, on October 22nd, and at that time the Crown had
18 just received service about 24 hours or so prior, and so I didn't even have firm instructions.
19 But I anticipated getting instructions to bring an application to strike on a jurisdictional
20 issue or argument. And so on that basis, Justice Fraser adjourned the matter to be -- to
21 today's date in order for that application to be heard. So he seemed to anticipate that
22 morning chambers would be appropriate for that; however, I certainly anticipated having
23 the material that we filed before the Court in order to proceed with the application.

24

25 So I would certainly seek Your Lordship's direction as to what would be the appropriate
26 (INDISCERNIBLE), whether we should adjourn for a further morning chambers sometime
27 to ensure that our filing will be completed and before the Court.

28

29 THE COURT: Well, I --

30

31 MS. MACDONALD: Because we probably will have to refile.

32

33 THE COURT: All right. In reviewing Mr. Dickson's material, I
34 do not believe it contains a response to that application to strike in any event.

35

36 Is that fair, sir?

37

38 MR. DICKSON: It doesn't, but I am prepared to address that this
39 morning. I mean, I've prepared for that. I received that material on October the 29th from
40 the Crown, so I'm not sure why it hasn't been filed. And considering -- sorry. I should stand.

41

1 THE COURT: That is fine.

2

3 MR. DICKSON: Sorry. I'm self-represented, and this is only my
4 second time before the courts in this -- in this way.

5

6 THE COURT: That is quite fine.

7

8 MR. DICKSON: We were applying for an emergency injunction,
9 which has already been delayed two weeks now by the Crown, who actually got
10 instructions from Justice Fraser because they appeared and said they didn't have
11 instructions. And he suggested they file an application to strike based on a lack of
12 jurisdiction.

13

14 On the materials the Crown have filed, it's clear that the Court does have jurisdiction. And
15 there is a case to be heard.

16

17 THE COURT: Okay. So, and that is your general position, and
18 I am deliberately not attempting to elicit argument. Here is what I am going to suggest, that
19 the parties contact Associate Chief Justice Nielsen -- the Crown can do this, sir, on your
20 behalf -- and arrange for assignment of a case management Justice to deal with the
21 jurisdictional issue and, if that is unsuccessful, to deal with the matter on its merits.

22

23 MR. DICKSON: My only concern, Your Honour, and it relates to
24 information that was both provided by the Crown and something that was produced in the
25 last 24 hours by the Alberta government and by Premier Kenney, and that is the consent
26 form for vaccinations changed on November the 3rd and was published yesterday and
27 states explicitly that the additional dose is off label for the third dose. And this means that
28 it is not licensed for additional doses.

29

30 There have already been 274,000 people that have received a first dose, including 608
31 children between the age of 12 and 19. And Premier Kenney announced that as of Monday,
32 another 600,000 people in Alberta will be eligible for a third dose that -- of a vaccine that
33 is under an emergency approval that is not -- by the government's own admission, is for
34 off-label use and not licenses for this use.

35

36 THE COURT: I understand your position, Mr. Dickson, and that
37 is supplemental to what you argued in your brief. And I recognize you are seeking that the
38 Province of Alberta suspend the use of vaccines or, alternatively, require informed consent
39 as you define it. Those are the substantive issues should the injunction application proceed.

40

41 I am going to request that the Crown contact Associate Chief Justice Nielsen today with

1 the request that this matter be assigned and provide an estimate of time for the two branches
2 of arguments. There is the threshold jurisdictional argument, and then there is the issue of
3 merit. Quite frankly, I would expect that even the jurisdictional argument would not be
4 appropriate for morning chambers, so I do not hesitate in making this type of reference. I
5 recognize that the matter has been previously in court and then adjourned to effect service,
6 but this procedure would hopefully ensure the matter proceeds efficiently.

7
8 So, Mr. Dickson, I am going to ask, if you have not already done so, that you provide the
9 Crown with your contact address or email address, and you would be copied on the letter
10 written to Associate Chief Justice Nielsen.

11
12 Is that agreeable, Crown?

13
14 MS. MACDONALD: Yes, Sir. Just to clarify, you wish us to seek
15 Associate Chief Justice Nielsen's direction on case management for both a jurisdictional as
16 well as the merits at this time?

17
18 THE COURT: Yes, and that particular Justice would determine
19 whether they should be heard as a package or separately, and I expect the matter would
20 receive a --

21
22 MS. MACDONALD: Thank you, Sir.

23
24 THE COURT: -- a specific assignment. If not a case
25 management assignment, it would be assigned so that we do not end up with the jockeying
26 in a morning chambers that has occurred to date.

27
28 Do you have Mr. Dickson's email address?

29
30 MS. MACDONALD: I do, Sir. Yes.

31
32 THE COURT: Okay. So if you could contact the Associate
33 Chief Justice today, that would be greatly appreciated.

34
35 MS. MACDONALD: I will do so. Thank you.

36
37 THE COURT: Do you have anything to add that you wish to be
38 included in that contact email, sir?

39
40 MR. DICKSON: Just that time is -- to quote a lawyer, time is of
41 the essence, and in the last two weeks 47,000 people have been vaccinated without any

1 informed consent. And as this goes on, more and more people -- and by the -- during that
2 time another 102 people were injured by the government's own public information.

3

4 THE COURT: Okay.

5

6 MR. DICKSON: So I have concerns about these continued delays.

7

8 THE COURT: Okay. And I appreciate your concern. I am
9 certain the Crown will indicate that you are hoping that the matter be addressed on an
10 expedited if not urgent basis. Agreed?

11

12 MR. DICKSON: Thank you, Your Honour.

13

14 THE COURT: Okay. Okay. Thank you.

15

16 MS. MACDONALD: Thank you.

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20 PROCEEDINGS ADJOURNED

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1 **Certificate of Record**

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3 I, Stefane Bellec, certify that this recording is the record made of the evidence in
4 proceedings in Court of Queen's Bench, held in courtroom 316, at Edmonton, Alberta, on
5 the 5th day of November, 2021, and that I was the court official in charge of the sound-
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15 Catherine FosterFlynn, Transcriber

16 Order Number: AL24019

17 Dated: November 8, 2021

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