PART 1. Ingram and CM Draft thoughts from a quick review of the Ingram decision (August 2023) and the new filing (2024). Part one initially drafted in August 2023 with some minor additions here for context. Take from it what you will.

Responses hailing the Ingram v Alberta as a win are misguided celebrations at best, willfully deceptive or possibly worse. <u>https://www.jccf.ca/wp-content/uploads/2023/08/2023-07-31-DECISION-Ingram-v-Alberta-Chief-Medical-Officer-of-Health-FILED-July-31-20238.pdf</u>

It is comparable to those who celebrated the 'Mature Minor' decisions as a win, but ignored the reality of how that judgment would be applied i.e. transgender therapy or vaccine insistence (through background coercion). Most adults don't have the wherewithal to make these decisions and now, instead of Informed Consent, we have children able to overrule their parents when making life altering decisions. This is the ultimate double-edged sword that is being ignored as it is in the Ingram v Alberta decision.

Frankly, lawyers supporting this need to go back to law school, as do many others, it appears. Especially those who are reading only the decision without all the context.

Doing an analysis without understanding or referencing the context of the outcome for the future and the actual filings and cross examination doesn't help anyone. I have read the application, watched the cross examinations and know what the plaintiffs' lawyers have buried to keep this insanity going. If people knew what these lawyers were really up to, they would put them in the same basket as the government.

Read the initial application that makes the completely opposite Ultra Vires argument to the final decision. If not for CM v Alberta (decided in 2022) they would probably have lost everything. And CM v Alberta was not a good decision for those wanting an end of restrictions.

MANY RESTRICTIONS STILL IN PLACE IN 2024 IN CARE HOMES https://dksdata.com/Care

Along with the uninformed and contrary to NACI and CDC guidelines push for vaccines in Alberta in the last few months alone. (<u>https://dksdata.com/BenefactBulletins</u>)

Not to mention the illegal manipulation of government records that is ongoing (https://dksdata.com/AlbertaDead)

Or the willful blocking of evidence (relevant to this case) by the current (2024) Chief of Staff to the Alberta Justice Minister (<u>https://dksdata.com/Court/PremierFeb72024.pdf</u>).

Also, the 'Impugned Orders' were initially those up to January 2021 (a specific subset of those were named as the ones impugned). This was potentially expanded to July 2021 and prior (for select Orders). So, saying ALL Orders were Ultra Vires is not true. And Ultra Vires is not strictly 'illegal', it is 'outside of the lawful authority'. This is not exactly the same (there are some nuances, especially in this case). The lawyers commenting should know the difference and be clear about that.

https://www.jccf.ca/wp-content/uploads/2020/12/2020-12-07-Originating-Application_Redacted.pdf

Also see:

https://www.albertacourts.ca/docs/default-source/qb/judgments/ingram-v-alberta-(chief-medical-officer-of-health)-2022-abqb-595---reasons-for-decision.pdf?sfvrsn=46de6982_5

Even the opening statement of the Romaine decision is clear about it not being 'ALL ORDERS'. "[1] This application involves challenges to certain orders enacted by the Chief Medical Officer of Health for Alberta (CMOH)" (clarified later at [6], [7]).

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PART 1. Ingram and CM

In CM v Alberta, the argument was that Cabinet (in effect the Minister for Education) 'forced' the CMOH to drop an Order regarding the masking of children where the CMOH wanted to keep masks.

There are issues with the CM v Alberta decision as Justice Dunlop appears to have missed the powers that Bill 10 (and then Bill 66) provided Ministers, such as the Minister of Education when making the statement "[7] I also find that, while Minister LaGrange's Statement on its face appears to prohibit school boards from imposing mask mandates, it does not do so, because the Minister can only do that through a **regulation**, and the statement was not a regulation.". The Health Minister could have made a Ministerial Order (which would then have become law). However, a statement is neither a regulation nor a Ministerial Order.

https://albertacourts.ca/docs/default-source/qb/judgments/cm-v-alberta-2022-abkb-716---decision.pdf

Note that what is missing in all these decisions is the fact that there was no provable emergency (based on the government's own published data). Orders were made OUTSIDE of the State of Emergency. The State of Emergency declaration and Bill 10 used *"Pandemic Influenza"* and the *"significant likelihood of pandemic influenza"* to trigger the State of Emergency. COVID (SARS-CoV-2) is **NOT** influenza. This is a critical fact that appears to be being actively ignored by others, other than myself.

See Bill 10, Bill 66, M.O. 608/2020, OC 080/2020, OC 354/2020, OC 255/2021, M.O. 627/2020, M.O. 612/2020 (etc.) https://dksdata.com/Court/Ingram

The issue with using the same argument as regards persons other than the CMOH making Orders from CM v Alberta in Ingram v Alberta is that this position hasn't been clarified for EVERY Order, just some. It will be easy to show the Orders Deena supported, wrote and published, regardless of Cabinet's input which is probably why the Judge wrote 'if I am wrong' at the end. In fact, Deena Hinshaw did not state she disagreed with or was forced against her will to enact the Orders she wrote, signed and published that were part of the 'Impugned Orders' in Ingram v Alberta.

That being said, it is possible to use this decision to get some PHA charges dropped (the very few that are left) but that remains to be seen. Dropping these final tickets is of no value to the rest of society and only impacts the few people like Chris Scott who are part of the larger group currently 'selling' this decision as a victory. Note that I have helped numerous people get their tickets withdrawn in the last three years using a simple process of asking for Full Disclosure, an area in which I am recognised as an expert by Alberta Justice and PPSC, along with the Courts. Dropping these last few cases now changes nothing for the future. However, the Ingram decision changes everything, and not in a good way. Now any 'Order' made by the CMOH will be unchallengeable by any means other than by the CMOH themselves (although there is always the option to fire the CMOH that still lies with the purview of the Health Minister, at this time). With the artificial ramping up of COVID Cases already happening, we will see the Winter to end all Winters. This legal Case made what is to come even worse (see https://dksdata.com/Care). How is this a win?

In Ingram v Alberta, Deena Hinshaw was asked three questions regarding her Orders. The answer was NO to all three. <u>https://albertacourts.ca/docs/default-source/qb/judgments/ingram-v-alberta-(chief-medical-officer-of-health)-2022-abqb-311---reasons-for-decision.pdf?sfvrsn=8d09af83_5 https://www.albertacourts.ca/docs/default-source/qb/judgments/ingram-v-alberta-(chief-medical-officer-of-health)-2022-abqb-595---reasons-for-decision.pdf?sfvrsn=46de6982_5</u>

- "Did the premier and cabinet ... ever direct you, Dr. Hinshaw, to impose more severe restrictions in your CMOH orders than you had recommended to them?"
- "Did cabinet ever direct you to impose more severe restrictions on particular groups such as churches, gyms, schools and small businesses than you had recommended to them?"
- "Did you ever recommend to cabinet that restrictions should be lifted or loosened at any period of time and that recommendation was refused or ignored by cabinet?"

PART 1. Ingram and CM

Deena Hinshaw wanted to be MORE restrictive throughout COVID (until July 2022 when the SAG published their report on Masks (see <u>https://dksdata.com/MASKS#AHSSAG</u>). Now Ingram v Alberta has provided the Case Law to ensure any CMOH in Alberta can do whatever they want without challenge, something that Rath is now openly admitting (despite his and other lawyers' initial misleading statements on the 'win'). This alone is a disaster for the coming flu season with what is now in place. It even puts in the framework for an Independent CMOH (like the OAG etc.) who is not answerable to the Health Minister so would have ZERO checks and balances. A literal WHO wet dream.

Even the Ultra Vires argument Grey and Rath put forward in the initial application (and for most of the hearing) was unsupportable and not the reason for the decision. See Ingram v Alberta [11], [12]. It was only towards the end of the hearing that Ingram (the applicant) finally added an argument consistent with CM. Note that I had already presented that Government acting Ultra Vires position (which was the actual decision of the judge, not what Rath and Grey originally argued) in my filing in November 2021 to which Rath and Grey had full access. Rath had the files even before I went to Court because Marilyn Burns sent them all to him without my approval. They refused to put that argument forward at that time in their case... but then added in through Ingram (the applicant) later in 2022 (see [13])!

See Page 11.

https://dksdata.com/Court/DavidDicksonPackage/25-AffidavitInResponse_Filed_Redacted.pdf

49) Further, in the Crown's evidence [emphasis added] "Peter Lehmann Wines - 2015abqb481 excerpt";

"[57] available against the Crown, so long as the Crown is not acting <u>unconstitutionally or</u> <u>ultra vires its lawful authority</u>: Grand Council of Crees (of Quebec) v The Queen (1981), [1982] 1 FC 599 at 600; Lameman v Alberta, 2013 ABCA 148 at paras 40–41, 553 AR 44 [Lameman]. This common law bar has been codified in the <u>Proceedings Against the Crown</u> <u>Act</u>, RSA 2000, c P- 25, s 17(1)."

"[58] The Alberta Court of Appeal has suggested that **permanent injunctions against the Crown might be available** in the context of novel claims in rapidly evolving areas of the law (**Lameman** at para 42)."

I am working through the 90-page summary now (*note: I never went any further on this*). It isn't just a loss; it is a disaster for the future. Everything being said about this case as a 'win' is arguably a pack of lies. Worse is what is behind this.

The applicants' arguments failed, and the exact opposite conclusion was made by Justice Romaine which the lawyers then twisted into 'their' win. The lawyers argued a Charter challenge and yet other lawyers now complain the judge mentions the Charter issues in her decision. As the Justice is required to provide the information relating to the reasoning behind her decision in the event of an appeal, this is reasonable, especially considering the importance of the Case. The applicants' experts were eviscerated during their cross examinations and even Rath and Grey dropped Dave Redman's evidence from their final arguments. Look at the summary of Dave Redman's testimony and then go and watch the examination under Oath (if you can find it). The plaintiffs' experts (and Rath and Grey) argued that everyone over 60/65 should have been isolated ("Focused Protection") and the rest of the Province let out. This action (taken in Care Homes and still in full force until June 19th, 2023 – STILL IN FORCE (and arguably worse) AS OF FEBRUARY 2024) is specifically what killed and continues to kill most people in care homes. These lawyers and experts know this. https://dksdata.com/Care.

This is what the Government wanted and has implemented for most of the last three years (four years now), if anyone had paid attention. It is also the reason Sweden had double the per capita deaths vs. Canada in 2020 (contrary to the popular opinion Sweden didn't lock down). Sweden implemented "Focused Protection" in the most extreme form in Care Homes for 8 full months in 2020. See https://dksdata.com/ExcessDeaths#SwedenExcessDeaths. The Ingram experts argued that as part of this 'Focused Protection', everyone over 60/65 should have been vaccinated the instant a vaccine was available. The Ingram experts even argued that asymptomatic transmission was rife with Omicron. Does this sound

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like a case where these lawyers and experts were on YOUR SIDE?

[And from there the vaccine rollout continued even after Danielle Smith was elected, but now under a more dangerous program than ever <u>https://dksdata.com/BenefactBulletins</u>, <u>https://dksdata.com/AlbertaDead</u>].

The applicants/lawyers lost every argument on the Charter except for Tanner and a Section 2a argument about not being able to have Christmas with family. That was it. All other Charter challenges were struck down. They argued Ultra Vires in the pleadings saying Deena Hinshaw had NO AUTHORITY because she was not elected. The Judge's decision was the EXACT OPPOSITE, leading to case law now reinforcing what the WHO want. Doctors in control of ALL health emergencies (even without a State of Emergency being called through legislation) and the elected officials having NO SAY to stop them. This gives Danielle Smith the perfect excuse to say she can't do anything when restrictions are imposed by her pick of CMOH (Mark Joffe) who champions masks and vaccines more than Deena or Bonnie Henry.

Again, the Charter and Alberta Bill of Rights challenge (the basis for the application) was struck down other than Tanner missing out on family Christmas (a Charter Section 2a 'win' that has no value to anyone else as shown in the dismissal of the applicant Ingram's similar argument).

However, there was a shoring up of Section 1 and a dismissal of all Section 7 challenges as a result, adding to every other Charter failure we have seen. What did Einstein say about repeating one's mistakes? As I said, a tentative 'win' of the Orders that were held as necessary but may lead to a few old tickets being dropped. However, this more importantly allows more restrictive and unchallengeable Orders for the future. Now read the PHA and see what powers the CMOH and MOH have to isolate, detain, enter without warrant, destroy and more.

https://kings-printer.alberta.ca/1266.cfm?page=P37.cfm&leg_type=Acts&isbncln=9780779843398.

Whereas the Health Minister could intervene before, this case could end that ability leading to 'Medical Marxism' here in Alberta and by extension of the decision, Canada as a whole.

Not a WIN, but an unadulterated disaster now being used by lawyers and more (the 'freedom groups') to further support the same delay and donate tactics that have stopped us ending this from the start. Now more useless lawsuits lining lawyers' pockets will follow and nothing will be done to focus on stopping this.

I may publish my detailed review in the coming days, but this is already unraveling and more spin is following.

But believe what you want and keep donating to these people. It helps no-one and saves no-one. But it does distract from what is coming so the government and other monsters can keep pushing their true agendas.

The above was quickly written in response to the decision in August of 2023.

The following (Part 2) is again my opinion written this week.

Note: I am not a lawyer but would welcome the response of someone who is.

PART 2. Ingram & Scott

At least this time they may have named the right plaintiff in the Alberta Government. Up to this case, I was one of the few that did. However, as damages for these specific plaintiffs may relate to overzealous AHS employees, it is interesting that this time they didn't name AHS. Naming of defendants can tell a lot about the intent of the filing, and this is quite telling.

Despite people stating it is the JCCF, it has been filed by Rath and Company not the JCCF (although they may be connected along with others like the Democracy Fund i.e. Ezra Levant and that connection to the TWC) – This has its own separate list of issues, including questionable ethical practices in the past, as identified by the Democracy Fund etc.

My recent posts have related to some of these lawyers SPECIFICALLY. If people become aware of the details, I suspect they will put them in the same 'basket' as the government.

Remember, anyone who took actions that ensured the government continued while profiting from the misery of others (through fame and/or fortune), has blood on their hands no less than the government and their agents.

Constitutional Challenge/Bill of Rights. This filing is primarily focused on the Alberta Bill of Rights – The burden is on the plaintiffs in this process – there are minimal disclosure expectations on the Crown which makes this a long and costly uphill battle.

Class Action – Has to be certified.

So, what is the 'Class' of plaintiffs?

Two different Plaintiffs (Gym and Restaurant) were impacted in very different ways by differing Orders at different times.

In addition, these particular named plaintiffs were not impacted the same way as other similar businesses due to complicating factors such as how they pushed back (Contempt of Court etc.)

So, what is the 'Class' of plaintiffs?

What will the outcome change? If it is a win, then the lawyers take the majority of the money (taxpayers' money). This will not set any precedent as that has already been set in CM v Alberta (CM) and Ingram. So, what is the real goal of this? MONEY and another delaying distraction from what is really continuing to happen in Alberta and across the world – Death by Vaccine and Focused Protection – EXCESS DEATHS ALL AROUND.

One thing that has been missed over and over. Neither Ingram nor CM said EVERY Order was overturned; that has just been implied but not actually ratified in Court.

In fact, even in some of the Orders mentioned, it specifies sections not the whole Order. So, where does the assumption of 'ALL ODERS' come from?

As outlined in Point 2 of the filing:

On July 31, 2023, the Alberta Court of King's Bench determined that the CMOH Orders listed in Appendix "B" were ultra vires the PHA. Appendix "B" Business Closure Restrictions CMOH Order 02-2020, ss. 2-4; CMOH Order 07-2020, ss. 6,12; CMOH Order 18-2020, ss. 3-4, 6-7; CMOH Order 19-2020, ss. 11-12, 14-15; CMOH Order 25-2020, s. 3; CMOH Order 34-2020, s.3; CMOH Order 37-2020, ss. 3-4, 8-9, 15-16; CMOH Order 39-2020, ss. 6-13, 17-21, 23-25, 29-30; CMOH Order 42-2020, ss. 25-32, 34-36, 40-42; CMOH Order 43-2020; CMOH Order 44-2020; CMOH Order 01-2021, ss. 25-31; CMOH Order 02-2021, ss.34-47, 54; CMOH Order 04-2021, ss. 31-46, 51-56; CMOH Order 05-2021, ss. 42-46, 51-56, 69-72,

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78-79; CMOH Order 08-2021, ss.34-45, 50-54, 69-73, 85-87; CMOH Order 09-2021; CMOH Order 10-2021, ss.6.7-7.4, 8.5-8.7, 9.2-9.6; CMOH Order 17-2021, ss. 9-17; CMOH Order 14-2021, s. 3; CMOH Order 12-2021, ss. 5.1-5.4, 6.2, 6.5, 6.7-6.12, 8.5-8.7, 9.2-9.5, 10.3; CMOH Order 19-2021, ss. 5.1-5.1.4, 6.3-6.5, 6.1.2, 6.1.5, 6.1.7-6.1.12, 8.3, 8.1.4, 9.3-9.4, 9.1.2-9.1.4, 10.3-10.4,10.1.3; CMOH Order 20-2021, ss.5.1-5.6, 6.2, 6.5, 6.7-6.12, 6.1.4-6.1.6, 8.2, 8.4, 9.2-9.4, 10.3; CMOH Order 30-2021, ss.4.1-4.4, 5.2, 5.5, 5.7-5.12, 8.3, 8.5; and CMOH Order 31-2021, ss.4.2-4.3, 4.7-4.9, 4.11, 5.3, 6.2-6.6, 7.2, 7.4, 8.2, 8.4, 10.2, 11.2-11.5, 12.2, 12.7-12.10.

It is also possible that this case could open an opportunity for the Crown to overturn Ingram in part or in whole. In the case of CM, the argument of government interference/decision making is sound (Deena Hinshaw wrote an Order to respond to the Health Minister's Public Statement).

However, in Ingram it was agreed as fact that Deena Hinshaw wrote the Orders (all of which she was happy with) and presented the government with a multiple choice. The government chose one (but did not create any Orders). Deena Hinshaw signed it and implemented said choice of HER Orders. It could be argued that Deena Hinshaw was still in full control of the process and therefore her Orders were not Ultra Vires as executed (or at least some were). This case will open that potential.

Note also that there were two very different mechanisms in play starting in 2020 that relate to the PHA. Not to mention the third complication that came with Bill 10, Bill 66 and the subsequent changes to the PHA to encompass those extraordinary powers for ALL Ministers.

There is a difference from powers granted with the triggering of a State of Emergency under s52 i.e. the Order In Council 080/2020 and the associated Ministerial Order 608/2020 which were enacted AFTER the first actions by Deena Hinshaw starting on March 12th, 2020 (not March 16th or 17th as the filing suggests).

PART 2. Ingram & Scott https://dksdata.com/DS/Shandro1.jpg

Province of Alberta Order in Council	0.C. 080/2020 MAR 1 7 2020 ORDER IN COUNCIL	This is Exhibit A reformed to in the Affred and a reformed to in the Affred and a reformed to in the Affred and a reformation of the reformatio
0		M.O. 608/2020
Lieutenant Governor or Administrator	WHEREAS the Chief Medical Officer of Health has provided advice to the Lieutenant Governor in Council under section 52.1 of the Public Health Act that a public health emergency exists due to the presence of pandemic COVID-19 in Alberta;	WHEREAS COVID-19 is a communicable disease as defined in the Public Health Act (the Act) that is being transmitted to persons; WHEREAS I have received advice from the Chief Medical Officer of Health that COVID-19 presents a serious threat to public health;
	WHEREAS the Chief Medical Officer of Health has provided advice to the Lieutenant Governor in Council that there is a significant likelihood of pandemic influenza due to the presence of pandemic COVID-19 in Alberta;	WHEREAS I can make an order under section 15.1 of the Act, on the advice of the Chief Medical Officer of Health, specifying that any provision of the Act and its regulations are applicable in respect of a particular disease, if I am satisfied that the disease presents a serious threat to public health; and WHEREAS I am satisfied that COVID-19 presents a serious threat to public health;
	WHEREAS under section 52.8(1)(a) of the Public Health Act an order made in respect of pandemic influenza has effect for 90 days; and	THEREFORE, I, TYLER SHANDRO, Minister of Health, pursuant to section 15.1 of the Act, do hereby order that:
	WHEREAS the Lieutenant Governor in Council is satisfied that as a result a public health emergency exists and prompt co-ordination of action or special	 the provisions of the Act relating to communicable diseases apply to COVID-19; section 52.21 of the Act applies to COVID-19 where the pre-conditions set out in the section 52.21(t) are met, as if COVID-19 was pandemic influenza;
CHAR CHAR	regulation of persons or property is required in order to protect the public health;	 COVID-19 is a communicable disease prescribed for purposes of section 20(1), 22(1), 23(a)(i) and 24 of the Act, and COVID-19 is deemed to be a notifiable communicable disease within section 6(1) and Schedule 1 of the <i>Communicable Diseases Regulation</i> (the Regulation);
	THEREFORE the Lieutenant Governor in Council declares a state of public health emergency in Alberta due to pandemic COVID-19 and the significant likelihood of pandemic influenza.	4. COVID-19 is a communicable disease prescribed for purposes of sections 39(1), 44(1) and 47(1) of the Act, and COVID-19 is deemed to be a disease for which a certificate, isolation order or warrant for examination may be issued within section 6(3) and Schedule 3 of the Regulation;
		 COVID-19 is a communicable disease for purposes of section 29(2) of the Act, and COVID-19 is deemed to be a pandemic influenza within section 8 and Schedule 4 of the Regulation.
	A	DATED at Edmonton, Alberta this 20 day of March, 2020.
	For Information only	TYLER SHANDRO
	Recommended by: Minister of Health	MINISTER
		423 Legislature Building, 10800 - 97 Avenue, Edmonton, Alberta T5K 2B6 Canada Telephone 780-427-3665 Fax 780-415-0961
	Authority: Public Health Act (sections 52.1 and 52.8)	Friend en engled jager

On March 12th, 2020, Deena Hinshaw used CMOH powers under s29 to restrict all gatherings over 250 people. This shut down many businesses. This did not need a State of Emergency (and still does not). This is why Deena Hinshaw was not worried when the State of Emergency lapsed. It is also how Mark Joffe was able to respond to the food poisoning incident in Calgary.

All of Deena Hinshaw's Orders were based on s29 and in HER VIEW there was a health issue she needed to respond to. CM and Ingram reinforce this power.

The weakness for Deena Hinshaw was her statement at the top of every Order that SHE HAD THE EVIDENCE.

"I, Dr. Deena Hinshaw, Chief Medical Officer of Health (CMOH) have initiated an investigation into the existence of COVID-19 within the Province of Alberta. This investigation has confirmed that COVID-19 is present in Alberta and constitutes a public health emergency as a novel or highly infectious agent that poses a significant risk to public health."

Or

"Whereas I, Dr. Deena Hinshaw, Chief Medical Officer of Health (CMOH) have initiated an investigation into the existence of COVID-19 within the Province of Alberta. Whereas the investigation has confirmed that COVID-19 is present in Alberta and constitutes a public health emergency as a novel or highly infectious agent that poses a significant risk to public health." etc.

PART 2. Ingram & Scott

That has never been properly challenged (although I was going down that road with the Disclosure packages which I created for many people including Marilyn Burns and used in my own filing).

https://dksdata.com/Disclosure/

A Constitutional/Bill of Rights approach renders much of this option essentially moot allowing the Crown to continue to hide evidence.

Win or lose, the government will not allow any future Orders to fall foul of that process. They will either amend the PHA or let the CMOH continue with full control (neither is a good option for Albertans).

Neither of these plaintiffs have technically WON their case. Even in the Ingram case, Ingram was a plaintiff who lost. Chris Scott 'won' his case when the Crown decided not to challenge Ingram and asked the Court to 'acquit' (although this new case could open an avenue where the Crown is forced to overturn Ingram).

The actual case law started with the CM decision almost a year earlier than Ingram. I have done a breakdown of Ingram before – here (and above [Part 1] of this document).

https://dksdata.com/Court/Ingram/Ingram-InitialThoughts.pdf

Supporting material here: https://dksdata.com/Court/Ingram/

Note that there was a lot of information and evidence known to Rath and the JCCF at the time of the original examination of Deena Hinshaw that would have ended all of this if it had been Disclosed. However, it was not. Worse, it was later buried by the JCCF lawyer(s) and now the Justice Minister's Chief of Staff who has actively suppressed any information getting to the Justice Minister for many months.

I could go on, but this should do for a start.

If the lawyers and grifters keep telling you the Courts are corrupt... why do you keep giving them money for their monthly Carpayments?