

Rath et al. the continuation of Scott and Ingram.

Just a first fast review and opinion. I am not a lawyer.

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.

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 ORDERS' 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 O1-2021, 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, 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).



Province of Alberta
Order in Council

Approved and ordered:

O.C. 080/2020

MAR 17 2020

ORDER IN COUNCIL

Lois Mitchell
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 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 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

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 regulation of persons or property is required in order to protect the public health;

Charr
CHAIR

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.

For information only

Recommended by: Minister of Health

Authority: Public Health Act
(sections 52.1 and 52.8)

This is Exhibit "A" referred to in the

Redacted
Sworn before me this 15th day
of DECEMBER 1, A.D., 2021
Redacted
DANIELLE LORIEAU
A Commissioner for Oaths
in and for Alberta
My Commission Expires December 21, 2024



ALBERTA
HEALTH
Office of the Minister
MLA, Calgary - Acadia

M.O. 608/2020

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 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;

THEREFORE, I, TYLER SHANDRO, Minister of Health, pursuant to section 15.1 of the Act, do hereby order that:

- 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(1) are met, as if COVID-19 was pandemic influenza;
- 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 5(1) and Schedule 1 of the Communicable Diseases Regulation (the Regulation);
- 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.

DATED at Edmonton, Alberta this 20 day of March, 2020.

Tyler Shandro
TYLER SHANDRO
MINISTER

423 Legislature Building, 10800 - 97 Avenue, Edmonton, Alberta T5K 2B6 Canada Telephone 780-427-3665 Fax 780-415-0961

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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.

That has never been properly challenged (although I was going down that road with the Disclosure packages, I created for many people including Marilyn Burns and 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.

<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?