

COURT FILE NUMBER 1001/2021

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
JUDICIAL CENTRE OF SASKATOON

APPLICANT(S) MARK FRIESEN
CONCERNED CITIZENS (ESTEVAN)
UNIFIED GRASSROOTS

RESPONDENT(S) ATTORNEY GENERAL FOR SASKATCHEWAN
SASKTEL
SASKPOWER
SASKENERGY
SASKATCHEWAN GOVERNMENT INSURANCE

NOTICE OF APPLICATION

NOTICE TO RESPONDENT(S)

This application is made against you. You are a respondent. You have the right to state your side of this matter before the court.

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

Where	520 Spadina Crescent East Saskatoon, SK
Date	30 September 2021
Time	10:00AM

(Read the Notice at the end of this document to see what else you can do and when you must do it.)

1. Remedy or claim sought:
 - a. The foregoing of time for notice of this application; and
 - b. An interlocutory injunction or declaratory order on the matter.
2. Grounds for making this application:
 - a. It is currently legal for the people of Saskatchewan to remain unvaccinated against COVID19, yet the Respondents are unsatisfied with that reality. And while the government could mandate COVID19 vaccines, they have instead elected to try to influence the thoughts, beliefs, and opinions of the people of Saskatchewan through a coercive program targeted at their employment, their pay, and their lifestyles. There is no rational or *bona fide* foundation to the regulatory steps being taken by the Respondents at this time. The

measures as designed, and as described by the leaders of Saskatchewan and Canada, are instead intended to reward those whose 'morals' coincide with the government's morals, and to punish those whose morals do not coincide with the government's morals. Until the right to remain unvaccinated has been extinguished, the government may only regulate the field for *bona fide* reasons that do not include the targeting of thoughts, beliefs, and opinions. That is what is meant by the *freedom* of thought, belief, and opinion in s.2 of the *Charter*. It is a breach of that section to regulate the field in an effort to force the change of thoughts, opinions, and beliefs.

- b. We do not challenge the government's ability to present its official opinion, and we do not challenge the government's ability to execute educational campaigns.
- c. We do not challenge the government's ability to regulate within its jurisdiction for *bona fide* reasons. We do challenge the regulation of otherwise permitted actions, (like remaining unvaccinated) when regulated for no other reason than to coerce the thoughts, beliefs, and opinions of the people of Saskatchewan.
- d. It is important to note that the targeted venues in the government's proof of vaccine measures are not epidemiologically different from those venues that are not targeted. The clearest distinction between the two types of venues is that the targeted venues are purely recreational and lifestyle. The government's focus only on recreational and lifestyle venues further calls to question the government's intents and need for urgency, and helps to emphasize the government targeting of thoughts, beliefs, and opinions, as opposed to medical necessity.

URGENCY

- e. Government pressure is already being applied by the respondents upon their employees, upon Saskatchewan businesses, and upon the people of Saskatchewan, and so we are seeking this injunction or declaratory order as soon as possible to relieve that pressure. The first day of October is also a significant date as that is when the Respondents are expected to complete the implementation of their specific policies. The government's intention was announced by the Premiere of Saskatchewan on the 16th day of September, 2021. And that announcement was made after the Premiere had previously announced that he would not be implementing a vaccine passport. The surprise announcement 16 September 2021 left only 2 weeks for the Applicants to organize and to initiate court action in response. We have brought this court action as quickly as we possibly could have, and because of the tight timelines, we ask that the time for notice of this application be set aside and/or that this application be considered *ex parte*.
- f. There is no need for urgency on the side of the Respondents. The government could mandate COVID19 vaccines at any moment that the Premiere and the Public Health Officer deem it necessary. That the government has instead decided to take 2 weeks to design and implement vaccine passport policies is indicative of no great need for urgency. And as the premiere states on his video, the healthcare system has been waiting and available to vaccinate all the people of Saskatchewan, so were a vaccine mandate initiated, it could also be immediately executed. The choice of the government to wait 2 weeks when they could have used immediate methods certainly calls to question the

validity of any claims of urgency on the side of the Respondents. Nor is there any legal or employment reason to rush applying COVID policies to the employees and patrons of the Crown corporations and other Crown agents. Further, COVID19 has been in Saskatchewan for 18 months with three previous waves. The government could have (and perhaps did) use that time to prepare for the fourth wave. But if there was lack of preparation, that certainly undermines the supposed urgency of their current actions. And if there was preparation, it undermines the need for the government's current actions at all.

IRREPARABLE DAMAGES

- g. While the pressure is on-going, one of the ways that this issue may come to a head is at the time that the individual finally succumbs to the coercive pressures being applied against their thoughts, beliefs, and opinions, and submits to vaccination. Vaccination cannot be undone. Nor is it simple to undo the psychological trauma and self-injury caused by succumbing to the illegal government pressure. Furthermore, regardless of how this matter is settled, both the Applicants and the people of Saskatchewan will suffer significantly less psychological injury if these matters are heard in court *before* individuals choose whether to submit to the pressure or not. We seek this injunction or declaratory order so as to provide the time necessary to settle this matter before irreparable damage is done.
 - h. The issue may also come to a head the day that each person is first required to disclose their vaccination status in order to maintain employment or lifestyle. That disclosure can result in suspension without pay, termination, undue scrutiny, and psychological self-injury (by succumbing to the government program). Again, we seek this injunction so that these matters can be considered and settled before Saskatchewan people lose their jobs, their money, and their lifestyles for holding the allegedly wrong thought, opinion, or belief.
 - i. Given what the government has done, and what they intend to do, it is clear that the issue is not as urgent as made to appear and an interlocutory injunction or declaratory order will not harm any legitimate government intentions. If this matter instead continues to be rushed by the government, the applicants and the people of Saskatchewan will have to continue suffering the pressure on their thoughts, beliefs, and opinions; may have to sacrifice their employment, pay, or lifestyle. Or worse they will succumb to the pressure and suffer serious psychological harm. This injunction or declaratory order should be granted, and the matter considered before these damages are irreparably incurred.
3. Materials to be relied upon:
- a. Affidavit of Nadine Ness;
 - b. Affidavit of Jonathan Ness and related exhibits;
 - c. Affidavits of Mark Friesen and related exhibits.

4. Applicable rules:
- a. Rule 6-3
 - b. Rule 6-48
5. Applicable Acts and Regulations
- a. *Charter of Rights and Freedoms*
 - b. *The Proceedings Against the Crown Act*

DATED at Saskatoon, Saskatchewan this 28th day of September, 2021.


Luke Coupal, Counsel for the Applicants

NOTICE

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

CONTACT INFORMATION AND ADDRESS FOR SERVICE



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