

COURT FILE NUMBER QBG 1001 / 21

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

\$200.00
QUEEN'S BENCH
Jud. Centre of SASKATOON
SEP 27 2021 *M*
FILED *LL*

\$200.00
- emailed receipt

ORIGINATING APPLICATION

NOTICE TO RESPONDENT

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 26 October 2021
Time 10:00AM

✓
LL

Go to the end of this document to see what you can do and when you must do it.

PARTICULARS OF APPLICATION

1. THE APPLICANT SEEKS THE FOLLOWING REMEDY OR ORDER:

An injunction or declaratory order that the Government of Saskatchewan and any branch of that government, any department of that government, any agent of that government, any Crown corporation, or any other entity subject to the *Charter of Rights and Freedoms* because of its relationship to the Government of Saskatchewan,

- a. may not require vaccination against COVID19 as a requirement for:
 - (1) entry to their premises;
 - (2) receipt of services; or

- (3) employment.
- b. that any medical testing that may be required for the delivery of those rights listed in para 1a:
- (1) shall be required of all persons seeking to exercise those rights, regardless of individual vaccination status;
 - (2) shall be reasonable, and in no way intended to frustrate or coerce the person that they might submit to vaccination as an alternative;
 - (3) shall be the least intrusive test required to achieve its purpose, and shall be executed or delivered in the manner required by the appropriate medical authority;
 - (4) shall be provided at the expense of those requiring the test for the exercise of those rights.
- c. that any executive or regulatory action taken by the government assigning rights or responsibilities to entities not normally subject to the *Charter of Rights and Freedoms*, shall be subject to these same limitations as contained in this originating application.

And that the injunction remain in effect until the public has had a reasonable amount of time to initiate court action as regards any health measures, Crown policies, or executive actions taken by the Respondents on or about the 1st day of October 2021 in response to COVID19.

2. THE APPLICANT'S GROUNDS FOR MAKING THIS APPLICATION ARE:

- a. As citizens of Saskatchewan who expect and are almost certainly going to be subject to any health orders or other executive action taken by the government on or about the 1st day of October; and in the public interest, to protect the *Charter* rights of all persons in Saskatchewan, including the particularly large portion of the Saskatchewan public that is employed by the government and its Crown corporations, said corporations being subject to the direction of the government; the Applicants bring this matter forward.
- b. The applicants contend that the Respondents are applying and considering measures that breach the requested limitations, and that where there is a breach of the requested limitations that is also a breach of the *Charter of Rights and Freedoms*, and in particular the following rights:
 - (1) s.2 freedom of thought, belief, and opinion in that the Respondents' actions are specifically intended 'not' to mandate individual action, but are instead intended to frustrate and coerce the individual to abandon their thoughts, beliefs, and opinion, and to encourage submission to government opinion. The government has not mandated vaccines; instead they explicitly intend to make life "less comfortable" for those who exercise their legal right not to be vaccinated. And furthermore any vaccine passport or testing requirement requires the individual to divulge their thoughts, belief, and opinion to others in order to participate in

ordinary life, thereby opening their thought, belief, and opinion to additional scrutiny that they would not have to endure but for government action. So long as remaining unvaccinated is a legal right, it is a breach of the *Charter* for the Respondents' to put coercive pressure on the thoughts, beliefs, and opinions of the people of Saskatchewan.

- (2) s.2 freedom of expression, by requiring the individual to divulge their thought, belief, and opinion through their vaccine passport in situations that would not otherwise necessitate said expression.
- (3) s.2(c) and (d) freedom of peaceable assembly and freedom of association by limiting access to venues without first submitting to government opinion.
- (4) s.7 right to life, in that the vaccines are known to cause life threatening side effects.
- (5) s.7 right to liberty, in that healthcare decisions have been recognized by the Supreme Court of Canada as a liberty interest vested in the individual that should not be controlled by the government
- (6) s.7 security of the person, in that the vaccine necessitates intrusion into the human body
- (7) s.8 privacy, in that in order to participate in ordinary life, the individual will be required by the government to divulge their thought, belief, and opinion.

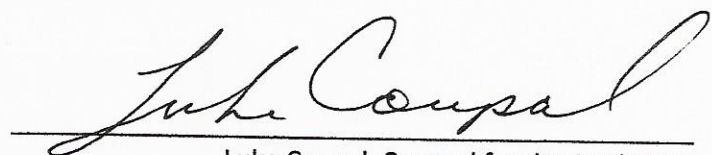
3. THE APPLICANT'S SUMMARY OF THE MATERIAL FACTS IS AS FOLLOWS:

- a. Early in the year 2020, the Governments in right of Canada and Saskatchewan began instituting measures to respond to an approaching and expectedly devastating pandemic commonly referred to as COVID19. Public health measures continued in Saskatchewan in one form or another until 11 July 2021 when the succession of public health orders ceased. Between early 2020 and 11 July 2021, these public health measures included education regarding hygiene and encouraged the sanitization of hands. They also mandated that businesses meet certain sanitation requirements on surfaces and ensure certain distances between patrons. Businesses were to collect patron names and phone numbers. Persons were limited in how many persons may gather indoors and outside, and households were limited as to who they could interact with (referred to as the household bubble). Finally, all persons were required to wear masks inside public places.
- b. Even though the public health orders ceased 11 July 2021, 2 months later, on 16 September 2021 the Premiere of Saskatchewan released a video describing how the fourth wave of COVID19 is near overwhelming the province's current healthcare capacities. He then proceeds to criticize all citizens of Saskatchewan who had not received an experimental vaccine against COVID19, despite no legal requirement to do so. Vaccination had never been mandated by any previous health order, and the right of Saskatchewan citizens to make their own healthcare decisions had never been questioned before this announcement. 17 September 2021 a new public health order was issued; that

order is not currently accessible on the government's website. The current health order was issued 22 September 2021.

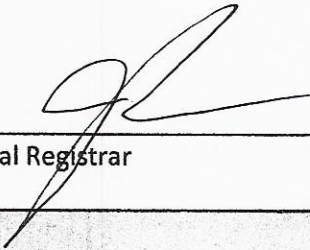
- c. Previous orders had encompassed many aspects of life. And yet despite the described threat of the fourth wave, this new order only mandates masks inside public places, and establishes isolation requirements related to persons who test positive in certain situations. The new health order, with its minimal mandates, is not the current concern. Instead, the Premier of Saskatchewan in his 16 Sept 2021 video announced the implementation of vaccine passports and mandatory vaccination for government employees. The Premier also announced measures intended by the government to make life less comfortable for those persons who continue to exercise their legal right not to be vaccinated. In an effort to coerce the unvaccinated, the Government of Saskatchewan intends to limit access to entertainment services for persons who are unvaccinated.
 - d. As an example, the current announcement available on the government of Saskatchewan website explains that access to ticketed sporting events will require vaccination, while access to non-ticketed amateur sporting events will be permitted without a vaccine. Given the similarities between the two activities, it is unclear why they would have different vaccine requirements, unless the intention is explicitly to coerce those persons who wish to access entertainment services.
 - e. Government Crown corporations are scrambling to develop policies and protocols to meet the government's instructions. Presumably these policies must be implemented by the 1st day of October, as announced by the Premier. Furthermore, the Premier expressly encourages other employers, including school divisions, to implement their own vaccine policies.
 - f. The government of Saskatchewan does not describe vaccination as preventing infection by COVID19, nor as preventing the spread of COVID19. Even the vaccinated can become infected and can spread COVID19.
 - g. There is no *bona fide* employment or legal reason to require vaccination at the workplaces
4. In support of this application, the applicant relies on the following material or evidence:
- a. Affidavit of Nadine Ness;
 - b. Affidavit of Jonathan Ness and related exhibits;
 - c. Affidavit of Mark Friesen and related exhibits.

DATED at Saskatoon, Saskatchewan, this 27th day of September, 2021.



Luke Coupal, Counsel for the Applicants

This notice is issued at the above-noted Judicial Centre on the 27 day of September, 2021.


D/ Local Registrar

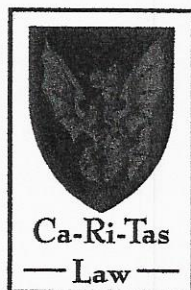
NOTICE

You are named as a Respondent because you have made or are expected to make an adverse claim with respect to this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form.

The rules require that a party moving or opposing an originating application must serve any brief of written argument on each of the other parties and file it at least 3 days before the date scheduled for hearing the originating application.

If you intend to rely on an affidavit or other evidence when the originating application is heard or considered, you must serve a copy of the affidavit and other evidence on the originating applicant at least 10 days before the originating application is to be heard or considered.

CONTACT INFORMATION AND ADDRESS FOR SERVICE



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