

COURT FILE NUMBER      2001-14300

COURT                      COURT OF QUEEN'S BENCH OF ALBERTA

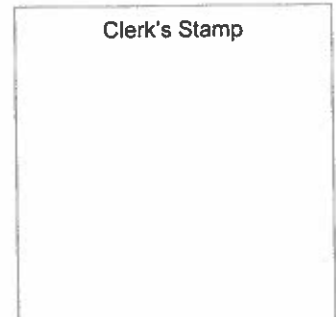
JUDICIAL CENTRE        CALGARY

APPLICANTS              REBECCA MARIE INGRAM, HEIGHTS  
BAPTIST CHURCH, NORTHSIDE BAPTIST  
CHURCH, ERIN BLACKLAWS and TORRY  
TANNER

RESPONDENTS            HER MAJESTY THE QUEEN IN RIGHT OF  
ALBERTA and THE CHIEF MEDICAL  
OFFICER OF HEALTH

DOCUMENT                **AMENDED APPLICATION BY THE  
APPLICANTS, REBECCA MARIE INGRAM,  
HEIGHTS BAPTIST CHURCH, NORTHSIDE  
BAPTIST CHURCH, ERIN BLACKLAWS and  
TORRY TANNER**

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
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Counsel for the Applicant, Rebecca Marie Ingram



**NOTICE TO RESPONDENTS:**            **HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA and  
THE CHIEF MEDICAL OFFICER OF HEALTH,  
RESPONDENTS**

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

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

Date:

Time:

Where:                    Calgary Court Centre – 601 5<sup>th</sup> Street SW, Calgary, Alberta

Before Whom:          The Honourable Madam Justice

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

**Remedy claimed or sought:**

1. An Order that the documents that were made publicly available on July 13, 2022, by order of the Honourable Justice Dunlop (the "**Documents**"), be admitted as evidence in this matter.
2. An Order that the Respondent, Dr. Deena Hinshaw as the Chief Medical Officer of Health for the Province of Alberta, appear before this Honourable Court and return for cross-examination by the Applicants on the Documents and issues arising therefrom.
3. An Order that the Respondent, Dr. Deena Hinshaw as the Chief Medical Officer of Health for the Province of Alberta, answer questions related to issues arising from the Documents that were objected to by Counsel for the Respondents on the basis of Cabinet Confidentiality.
4. An Order that prior to the recross-examination of Dr. Hinshaw, the Chief Medical Officer of Health for the province of Alberta, the Respondents provide the Applicants with all of the recommendations Dr. Hinshaw made to Cabinet regarding the implementation of the CMOH Orders;
5. An Order that the Respondent, Dr. Hinshaw, the Chief Medical Officer of Health for the Province of Alberta, answer questions related to issues arising from the Documents that were objected to by Counsel for the Respondents on the basis of cabinet confidentiality; and
6. Such further and other relief as this Honourable Court deems just.

**Grounds for making this application:**

7. On July 13, 2022, the Documents were made publicly available by order of the Honourable Justice Dunlop of the Court of Queen's Bench.
8. The Documents were not known to the Applicants until July 13, 2022.
9. The Documents are relevant and material to the issues yet to be determined in this matter.
10. Portions of the information contained within the Documents were known to the Respondents as early as the spring of 2020, and at all material times the Documents were in the possession, custody, or control of the Respondents.
11. The hearing in this matter was conducted from February 10 to February 24, 2022, and was continued from April 4 to April 7, 2022, wherein the parties provided oral evidence before the Honourable Justice Romaine (the "**Hearing**").
12. As disclosed in the Documents, on February 7, 2022, the Premier's Office sent a memo to Jason Kenney and a copy of the memo was provided to the Respondent, Dr. Deena Hinshaw as the Chief Medical Officer of Health (the "**Memo**"). The Memo states:
  - a. that there is insufficient direct evidence of the effectiveness of face masks in reducing COVID-19 transmission in education settings;
  - b. that existing research supporting mask use in schools has limitations that make the pool of evidence weak and the benefits of masking children unclear;
  - c. that there are harmful effects of mask wearing on children; and
  - d. that masks can:
    - i. disrupt learning;
    - ii. interfere with children's social development;
    - iii. interfere with children's emotional development;

- iv. interfere with children's speech development;
  - v. impair verbal and non-verbal communication;
  - vi. impair emotional signaling; and
  - vii. impair facial recognition.
13. Dr. Deena Hinshaw, as the Chief Medical Officer of Health for the Province of Alberta, provided oral evidence before this Honourable Court on April 4, 5, 6, and 7, 2022.
  14. At no time during the Hearing or thereafter did the Respondents disclose the Documents to the Applicants. Further, the information contained in the Documents departs from the evidence of Dr. Deena Hinshaw when she testified at the oral hearing of this matter on April 4, 5, 6, and 7, 2022.
  15. Specifically, on April 5, 2022, Dr. Deena Hinshaw was cross-examined before this Honourable Court and did not disclose the harmful effects of masking on children in her evidence when questioned about the effects of masking on children's psychological health, psychiatric health, and social development.
  16. Despite their duties of utmost candour to the Court, neither Dr. Deena Hinshaw nor the Respondents' expert witnesses provided the information contained within the Documents to the Court.
  17. This matter is unprecedented in the history of jurisprudence in the Province of Alberta and is of utmost importance to the public interest. It has arisen under novel circumstances where one justice of the Court of Queen's Bench has taken a narrow view on the issue of Cabinet Confidentiality. Following that Justice's ruling, and having the benefit of that ruling, another Justice of the Court of Queens' Bench has taken a broad view on the issue of Cabinet Confidentiality and has ordered an expansive release of information. This information is now available in the public sphere, is directly relevant to the issues in this matter, is directly relevant to the lack of candour of the Respondents' witnesses and is still pending before this Honourable Court.

**Material or evidence to be relied on:**

18. Transcripts of Proceedings in this matter.
19. Affidavit of Dr. Deena Hinshaw affirmed December 18, 2020.
20. Affidavit of Dr. Deena Hinshaw affirmed July 12, 2021.
21. Expert Report of Dr. Jason Kindrachuk dated July 8, 2021.
22. Order of the Honourable Justice Dunlop dated July 4, 2022.
23. Affidavit of Tracey Bradley, sworn July 25, 2022, to be filed.
24. Such further and other material as counsel made advise and this Honourable Court may allow.

**Applicable rules:**

25. *Alberta Rules of Court*, Alta Reg 124/2010.

**Applicable Acts and regulations:**

26. Such other enactments as the Applicants may advise.

**Any irregularity complained of or objection relied on:**

27. N/A

**How the application is proposed to be heard or considered:**

28. As an urgent application before the Honourable Madam Justice Romaine via WebEx.

**WARNING**

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 give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.