## Clerk's Stamp:

COURT FILE NO. 2101-05742

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

APPLICANT ALBERTA HEALTH SERVICES

RESPONDENTS CHRISTOPHER SCOTT, WHISTLE STOP (2012) LTD.,

GLEN CARRIT, JOHN DOE(S), JANE DOE(S)

DOCUMENT AFFIDAVIT OF KENT PEDERSON

ADDRESS FOR SERVICE Justice Centre for Constitutional Freedoms

AND CONTACT #253, 7620 Elbow Drive SW INFORMATION OF PARTY Calgary, AB T2V 1K2

FILING THIS DOCUMENT Attention: Leighton B. U. Grey, Q.C.

James S. M. Kitchen

Phone:

Email:

## AFFIDAVIT OF KENT PEDERSON

## **SWORN ON MAY 19, 2021**

- I, Kent Pederson, of the City of Calgary, in the Province of Alberta, have personal knowledge of the following or am informed and do verily believe that:
- 1. On Sunday, 9 May 2021, I attended Fairview Baptist Church for the first time ever. I do not know Timothy Stephens personally. As I left the parking lot with my wife and daughter in our vehicle, I noticed that I was being followed by 2 Calgary Police Service vehicles, a van and an SUV. They pulled me over on Heritage Drive and 4 officers approached my vehicle. This was quite horrifying, especially after seeing two pastors recently arrested on television.

- 2. The first thing I heard as I rolled down my window, was an officer addressing me as "Mr. Stephens". I did not respond due to the confusing situation and none of us in my vehicle knew who he was talking about. I was informed by a Sergeant that there was no action going to be taken against me today other than being served with what he called "a court injunction" (Attached to this affidavit as **Exhibit "A"** is a copy of the court document the Sergeant gave me).
- 3. This conversation seemed very unusual as the officer did not ask for my identification or vehicle registration. The Sergeant's demeanor and speech was rushed, confusing, and it was difficult for me to understand what his intentions or his message was.
- 4. There was a female officer at the driver's side back window with a video camera recording the entire conversation.
- 5. Upon handing me the court order, the Sergeant, who I learned was Sergeant Develter (Badge no. 4817), told me I was free to go.
- 6. Upon review of the court document handed to me by Sergeant Develter, I am now aware that it is a court order issued on 6 May 2021 by Justice Rooke of the Court of Queen's Bench.
- 7. I took no subsequent steps to deliver the court injunction to Timothy Stephens, nor did I understand that I had any duty to do so.
- 8. I swear this affidavit *bona fide*, for no improper purpose.

SWORN BEFORE ME at Calgary

Alberta, this 19th day of May 2021.

Commissioner for Oaths in and for the

KENT PEDERSON

Province of Alberta

David K Hersey
A Commissioner for Oaths
In and for the Province of Alberta
My Commission expires

May 5, 2023

COURT FILE NUMBER

2101 05742

**COURT** 

COURT OF QUEEN'S BENCH OF

**ALBERTA** 

JUDICIAL CENTRE

**CALGARY** 

**APPLICANT** 

ALBERTA HEALTH SERVICES

RESPONDENTS

CHRISTOPHER SCOTT, WHISTLE STOP (2012) LTD., GLEN CARRITT,

JOHN DOE(S), JANE DOE(S)

**DOCUMENT** 

**ORDER** 

ADDRESS FOR SERVICE

AND

CONTACT

INFORMATION OF PARTY FILING THIS

**DOCUMENT** 

**Alberta Health Services** 

Legal & Privacy

Suite 500, North Tower Seventh Street Plaza 10030 – 107 Street Edmonton, AB T5J 3E4

Telephone: (780) 735-1198

Facsimile: (780) 735-1400

FILED
May 06, 2021
5865
by Email

THIS IS EXHIBIT"

referred to in the Affidavit of

Kent Paverson

Sworn before me this ...

day of May A.D. 20 21

A Commissioner in and for the Province of Alberta

David K Hersey

A Commissioner for Oaths

in and for the Province of Alberta
My Commission expires

May 5, 2023

DATE ON WHICH ORDER WAS PRONOUNCED:

May 6, 2021

NAME OF JUSTICE WHO MADE THIS ORDER:

Associate Chief Justice Rooke

LOCATION OF HEARING:

Calgary, Alberta

**UPON THE WITHOUT NOTICE APPLICATION** of the Applicant, Alberta Health Services ("AHS") brought pursuant to the *Public Health Act*, RSA 2000, c P-37 (the "*Public Health Act*");

**AND UPON** noting the Records of Decisions issued by the Chief Medical Officer of Health in the Province of Alberta under the *Public Health Act* (the "CMOH Orders");

AND UPON reviewing the Bench Brief provided by AHS, to be filed;

AND UPON reviewing the affidavit of Dave Brown affirmed on May 6, 2021, and the affidavit of Dr. Deena Hinshaw affirmed on May 6, 2021, both to be filed;

AND UPON hearing submissions from Counsel for AHS:

## IT IS HEREBY ORDERED THAT:

- The named individual Respondents and any other person acting under their instructions or in concert with them or independently to like effect and with Notice of this Order, shall be restrained anywhere in Alberta from:
  - a. organizing an in-person gathering, including requesting, inciting or inviting others to attend an "Illegal Public Gathering";
  - b. promoting an Illegal Public Gathering via social media or otherwise;
  - c. attending an Illegal Public Gathering of any nature in a "public place" or a "private place", which each have the same meaning as given to them in the Public Health Act.
- 2. For the purposes of this Order, an "Illegal Public Gathering" is one that does not comply with the requirements in the current CMOH Orders, including but not limited to:
  - a. the masking requirements;
  - b. the attendance limits applicable to indoor or outdoor gatherings; and
  - c. minimum physical distancing requirements.
- 3. Any member of any Police Service, as defined in the *Police Act*, RSA 2000, c P-17, or any peace officer as defined in the *Criminal Code*, RSC 1985, c C-46 (collectively, "Law Enforcement"), is authorized to use reasonable force in arresting and removing any person who has notice of this Order and whom Law Enforcement has reasonable and probable grounds to believe is contravening this Order. Upon arresting any person pursuant to this Order, Law Enforcement may detain such person until they may be dealt with in accordance with this Order.
- 4. Any member of Law Enforcement who arrests, detains, or removes any person pursuant to this Order (hereinafter, the "Offending Party"), is authorized to:
  - a. bring the Offending Party, as soon as possible, before a Justice of the Court of Queen's Bench of Alberta, and the Offending Party will be required to show any reason why there should be no finding of Civil Contempt at a hearing before a Justice of the Court of Queen's Bench;
  - b. issue a summons that requires the Offending Party to appear before a Justice of the Court of Queen's Bench of Alberta, as soon as possible, and the Offending Party

will be required to show any reason why there should be no finding of Civil Contempt at a hearing before a Justice of the Court of Queen's Bench; or

- c. release the Offending Party from arrest upon that person agreeing in writing to undertake to both:
  - appear in person before a Justice of the Court of Queen's Bench of Alberta at such a time and place as may be fixed for the purpose of being proceeded against for contempt of court, or for fixing a date for such a proceeding; and,
  - ii. obey this Order.
- 5. A person shall be deemed to have Notice of this Order if that person is shown a copy of the Order, or it is posted in in plain sight where it can be easily read by them, or if it is read to them.
- 6. An undertaking as to damages is not required from the Applicant.
- 7. The provisions of this Order are additional to and do not derogate from:
  - a. any powers of Law Enforcement, including but not limited to their powers under the *Criminal Code* and/or any applicable provincial legislation; and
  - b. any powers under the *Public Health* Act and CMOH Orders.

Honourable John Rooke, Associate Chief Justice Court of Queen's Bench of Alberta