
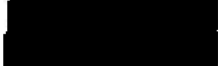


Clerk's Stamp:

COURT FILE NO.	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 CARRIT, JOHN DOE(S), JANE DOE(S)
DOCUMENT	AFFIDAVIT OF TIMOTHY STEPHENS
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Justice Centre for Constitutional Freedoms #253, 7620 Elbow Drive SW Calgary, AB T2V 1K2 Attention: Leighton B. U. Grey, Q.C. James S. M. Kitchen Phone:  Email: 

AFFIDAVIT OF TIMOTHY STEPHENS

SWORN ON MAY 19, 2021

I, Timothy Stephens, 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. I am the Pastor of Fairview Baptist Church ("Fairview Baptist"). Fairview Baptist is a Protestant Christian church, part of the Baptist denomination, and holds to a reformed theology.
2. Fairview Baptist believes that a local church is to gather physically for corporate worship on Sunday (Acts 2; 20:7; 1 Cor 16:2; Rev 1:10). We also believe that this physical gathering is distinct from and pre-eminent among every other gathering in the life of a

church. In addition, we believe that this physical gathering should consist of the full body of Christ belonging to that local assembly (Rom 15:6; 1 Tim 5:20).

3. We believe that there are essential elements of this in-person gathering:
 - a. The public proclamation of God's word (Eph 4:11–12; 2 Tim 4:2; Tit 2:15);
 - b. The public reading of Scripture (1 Tim 4:13);
 - c. Corporate prayer (Rom 15:5–6; Eph 6:18; 1 Tim 2:1–8);
 - d. Corporate singing (Eph 5:18–21; Col 3:16);
 - e. Fellowship through mutual edification and the practice of the “one another” commands (Rom 12:1–13; 1 Cor 12:4–26; Heb 10:24–25);
 - f. Participation in the ordinances (Matt 28:19; 1 Cor 11:17–34); and
 - g. Church discipline (Matt 18:15–20; 1 Cor 5; 2 Thess 3:14–15; 1 Tim 5:19–21; Tit 3:10).
4. We believe that the corporate gathering is not merely a service the congregation passively participates in; whereby they can come, passively receive, and then immediately leave apart from any active involvement. Instead, the gathering consists of both structured and unstructured elements whereby a congregation engages one another relationally, seeking the mutual encouragement and edification of the other.
5. On the morning of Sunday, 9 May 2021, a regular worship service occurred at Fairview Baptist. I delivered the sermon to the congregation.
6. Following the worship service that day, Calgary Police Service (CPS) officers hand delivered to an individual named Kent Pederson a copy of the Order issued by Justice Rooke of the Court of Queen's Bench (the “May 6 Order”, attached to this affidavit as **Exhibit “A”**). I am further informed and do believe that the CPS officers mistook Kent Pederson for myself such that they believed they were hand delivering a copy of the May 6 Order to me. Attached to this affidavit as **Exhibit “B”** is a copy of Kent Pederson's written summary of what occurred.
7. On the morning of Sunday, 16 May 2021, a worship gathering occurred at Fairview Baptist as it regularly does. I presided over that worship service as the pastor of Fairview Baptist.

8. Following the worship service on 16 May 2021, I was arrested by CPS officers in the parking lot of Fairview Baptist. My wife and 8 children were present and witnessed the arrest.
9. I was unaware of the content of the May 6 Order prior to my arrest on May 16, and was not informed of the content of the May 6 Order at the time I was arrested.
10. I was told by CPS officers that I was not being charged with any offence, including any *Public Health Act* offence, but rather that I was arrested pursuant to the May 6 Order. I had never seen or otherwise been notified of the content of the May 6 Order. To date, this Order has never been personally served upon me.
11. At no time prior to my arrest on May 16 had I been shown a copy of the May 6 Order, had the May 6 Order been read to me, or that I had otherwise read the May 6 Order. Having since reviewed the May 6 Order, I am now aware that the May 6 Order states at paragraph 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.

12. I do not know Chris Scott. I have never spoken to him. I have never been to the Whistle Stop restaurant. I do not know Glen Carrit. I have never spoken to him. I have no connection whatsoever with these individuals. The worship services that occur at Fairview Baptist have nothing to do with these individuals, nothing to do with Whistle Stop, and nothing to do with any protests or gatherings that are associated with the Whistle Stop. The exclusive purpose of the regular worship gatherings at Fairview Baptist is for the congregants of Fairview Baptist to manifest and practice their religious beliefs as outlined above.
13. Attached to this Affidavit as **Exhibit "C"** is a copy of the Order pronounced by Justice Rooke on May 13 amending the May 6 Order (the May 13 Order). I have reviewed the content of the May 13 Order and am aware that the May 13 Order amends the May 6 Order by removing the words "or independently to like effect" from paragraph 1. I am

14. When I delivered my sermon on 16 May 2021, I was unaware of the terms of the 6 May 2021 Order, but had heard about the 13 May Amendment. At no time did I act in wilful contempt of an Order of this Honourable Court.
15. I swear this affidavit *bona fide*, for no improper purpose, and in support of an application to strike the contempt application against me.



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TIMOTHY STEPHENS

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



THIS IS EXHIBIT " A "
referred to in the Affidavit of
Timothy Stephens
Sworn before me this 19
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;

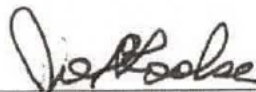
AND UPON hearing submissions from Counsel for AHS;

IT IS HEREBY ORDERED THAT:

1. 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:
 - i. 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

David Hersey

From: Kent Pederson [REDACTED] >
Sent: May 18, 2021 10:04 PM
To: James Kitchen
Cc: David Hersey; Leighton Grey
Subject: Re: Mistaking you for Tim Stephens
Attachments: video.mp4; IMG_20210509_132820.jpg; PXL_20210510_053208821.jpg; PXL_20210510_053159296.jpg; PXL_20210510_053152032.jpg

Hi James,

Here is my statement as requested.

To whom it may concern,

On May 9th, 2021 I attended Fairview Baptist Church on my own volition and for the first time ever. As I left the parking lot, with my wife and daughter in our vehicle, I noticed I was being followed by a van and SUV of Calgary City Police. They pulled me over on Heritage Drive and approached my vehicle with four officers.

The first thing I heard, as I rolled down my window, was an officer addressing me as "Mr. Stephens" to which I kept silent and did not respond due to the confusing situation and none of us knew who he was talking about. I was informed by the Sergeant that there was no action going to be taken against me today other than being served with the court injunction (see attached photos). This conversation seemed very unusual as the officer did not ask for my identification or vehicle registration as would normally be expected.

The Sergeant's demeanor and speech was rushed, confusing, and it was difficult for me to understand what his intentions or his message was. You can clearly see this in the video my wife captured (unfortunately, she did not start the recording at the very beginning of the conversation).

There was a female officer at the driver's side back window with a video camera recording the entire conversation.

Upon handing me the court order, **Sergeant Develter (Badge #4817)** told me I was free to go.

I find these actions as taken by the Calgary Police Service to be offensive and disturbing to me personally.

Please use this information as necessary and as it relates to Pastor Tim Stephen's case.

Attached VIDEO of a portion of the CPS encounter

Attached a PHOTO of myself, my wife and Pastor Tim after church

Attached a copy of the order I was served

Sincerely,

Kent Pederson

KENT PEDERSON

THIS IS EXHIBIT " B "
referred to in the Affidavit of
Timothy Stephens
Sworn before me this 19
day of May A.D. 20 21
[Signature]
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

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 **MAY 6, 2021 ORDER AS AMENDED ON MAY 13, 2021**
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



THIS IS EXHIBIT 501874-19
referred to in the Affidavit of
Timothy Stephens
Sworn before me this 19
day of May A.D. 20 23
[Signature]
A Commissioner in and for the Province of Alberta

I hereby certify this to be a true copy of
the original **ORDER**
Dated this 18 day of May, 21021
[Signature]
for Clerk of the Court

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 13, 2021
NAME OF JUSTICE WHO MADE THIS ORDER: Associate Chief Justice Rooke
LOCATION OF HEARING: Calgary, Alberta

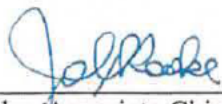
UPON THE WITHOUT NOTICE APPLICATION of the Applicant, Alberta Health Services ("AHS") brought pursuant to the *Public Health Act*, RSA 2000, c P-37 (the "*Public Health Act*"); **AND UPON** reviewing the Bench Brief provided by AHS, filed on May 6, 2021; **AND UPON** reviewing the affidavit of Dave Brown filed on May 6, 2021, and the affidavit of Dr. Deena Hinshaw filed on May 6, 2021; **AND UPON** hearing submissions from Counsel for AHS; **AND UPON** noting the Application of Mr. Christopher Scott and Mr. Glen Carritt, unfiled, to set aside or otherwise vary the court order issued by Associate Chief Justice Rooke on May 6, 2021 in these proceedings (the "May 6 Order"); **AND UPON** recognizing there was a gap in the May 6 Order regarding the detention of alleged contemptors; **AND UPON** noting the consent of Counsel for the Justice Centre for Constitutional Freedoms, a proposed intervenor; **AND UPON** noting no objection from Counsel for Mr. Christopher Scott and Mr. Glen Carritt; to the amendments requested by Counsel for the Justice Centre for Constitutional Freedoms and recommended by the Court;

IT IS HEREBY ORDERED THAT:

1. The Application by Mr. Christopher Scott and Mr. Glen Carritt to set aside the May 6 Order, is adjourned *sine die* without prejudice to the issues raised in the hearing *de novo* of the injunction under Rule 9.15 and objections raised by Counsel for Mr. Christopher Scott and Mr. Glen Carritt that the Order be set aside for procedural reasons.
2. The named individual Respondents and any other person acting under their instructions or in concert with them 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.
3. 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.
4. 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.
5. 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:
 - i. 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.
6. This Order is sufficient authority for the keeper of a correctional institution to receive and detain the Offending Party into custody and safely keep that person pending appearance before a Justice of the Court of Queen's Bench.
7. A person shall be deemed to have Notice of this Order if that person is shown a copy of the Order or if it is read to them.
8. An undertaking as to damages is not required from the Applicant.
9. 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 active Records of Decision of the Chief Medical Officer of Health of Alberta.
10. Rule 9.4(2)(c) is invoked.


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

May 18, 2021