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COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

EDMONTON

APPLICANTS

GRACELIFE CHURCH OF EDMONTON, JAMES COATES, DONNA KLAY, ALLAN NEILL, and

ACHNES SMITH

RESPONDENTS

THE PROVINCE OF ALBERTA AS REPRESENTED BY THE MINISTER OF HEALTH, THE CHIEF MEDICAL OFFICER OF HEALTH, and ALBERTA HEALTH

SERVICES

DOCUMENT

AFFIDAVIT OF ACHNES SMITH

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 ACHNES SMITH

SWORN ON May 2, 2020

in the Province of Alberta, have personal knowledge of I. Achnes Smith, of the following or I am informed and do verily believe that:

I am and have been for 5 years a member of GraceLife Church ("GraceLife"). My family 1. and I regularly attend GraceLife for Sunday morning services. I am a born-again Christian and follower of the Lord Jesus Christ.

Why Attending Grace Life is so Important and Beneficial to Me

- 2. I gratefully and gladly attend Sunday morning worship services at GraceLife church and have since GraceLife resumed gathering in-person for Sundar morning worship in June 2020. My family and I cherish Pastor Coates' courage in leading the GraceLife congregation in obedience to the Lord by meeting as the full body of Christ each Sunday. It is important to me that I publicly proclaim my devotion to God by not forsaking His commandments to gather with other believers to worship Him.
- 3. For our family, the heart of our Sundays is not only the worship service at GraceLife, but the fellowship with believers after the service, often until late into the afternoon. During such times, the congregation loves, counsels, and exhorts one another. It is truly something so precious to us and this time sees us through the challenges of the coming week. The pastors, elders, and fellow members of GraceLife have seen my family through some very difficult times and without their love and wise counsel, I do not know where we would be today.

Events Leading up to the Capture of the Grace Life Building

- 4. In December 2020, AHS and RCMP began harassing GraceLife congregants by entering the building during worship services. They took pictures and videos and it felt like an unlawful intrusion of our privacy was taking place. This caused me considerable stress and anxiety. Each Sunday, I wondered with apprehension what AHS and the RCMP would do next. What used to be times of peaceful, joyous gathering became mingled with the reunion of the harassed people of GraceLife. It is difficult to focus on worshiping the Lord, praying, reading Scripture, and listening to the sermon when the service is being disturbed and interrupted by law enforcement and public health inspectors.
- 5. I attended the GraceLife service on Sunday, February 14 Pastor Coates' last Sunday at GraceLife before being jailed at the Edmonton Remand Centre. For the next 5 Sundays while Pastor Coates was in jail, AHS and RCMP did not attempt to enter the GraceLife building. This was a welcome reprieve and the worship and fellowship on those Sundays was particularly good as GraceLife welcomed other hurting people from the surrounding

communities. Our fellowship became a beacon of light to these people. I spoke with many men and women on those Sundays who felt hopeless, depressed and alone. My fellow GraceLife congregants and I were able to counsel, encourage and give them a place to call home.

- 6. I was, however, keenly aware that the first Sunday Pastor Coates was out of jail and back at GraceLife, AHS and RCMP again attempted to intrude into the GraceLife building. This time, my anxiety rose to actual fear of the law enforcement that I had always believed was in place to protect my rights and freedoms, not to violate them.
- 7. When AHS ordered the seizure and barricading of the GraceLife building a few days after Easter Sunday, I was heartbroken that our church building could no longer be used as the haven of rest it had become for so many hurting, recent attendees. I knew that the congregation would continue to meet, but that it would be in secret and only for regular congregants.

Conclusion

- 8. I am 69 years old. I am ostensibly more vulnerable to COVID because of my age. But I am unafraid. If I were to contract it, I have a good chance of full recovery. If I should succumb to it, then I will go to my Saviour, knowing that I chose to obey God rather than the oppressive laws of men. The fear of the Lord is the beginning of wisdom. I fear God, not COVID or a government that demands the violation of my conscience and my religious beliefs by cowering at home instead of going to church to celebrate my Savior with fellow believers.
- 9. This does not mean that I do not care about COVID or the people affected by it. Quite the opposite, as I grieve over the deaths of many people with COVID who had to die alone in nursing homes and hospitals.
- 10. My faith and resolve have grown stronger under the persecution at the hands of the Alberta Government. I will continue to attend the GraceLife services, whether in secret or not, as the Lord provides us with places to meet.

- I was born and raised in the Netherlands. My parents lived through the horrors of the Nazi 11. occupation during the Second World War. They were both in their early 20s when the Wehrmacht invaded and stripped the Dutch of their possessions, their freedom, and their young men. Churches were closed and the only religion permitted was whatever the Nazis permitted.
- My father was a farmer's son. My parents were instrumental in saving many people from 12. starvation by hiding crops and animals from the Nazis. My father was called up by the Wehrmacht to serve and fight against his own countrymen. He refused to obey that order and fled, living underground for 4 years until he was betrayed by a neighbour and taken to Germany, where he did slave labor at the hands of the Nazis until the end of the War. The Nazi tactic was to turn people against each other, and rewards were handed out for the capture of those who resisted the Nazis.
- My father told me that he would not change a thing about what he did. He believed in 13. freedom—freedom of speech, of religion, and of peaceful assembly. I believe he would be horrified if he were still alive to see a government in Canada jail a pastor, seize a church, and oppress Christians to the point of driving them underground to worship Christ.
- I therefore look to this Court to fulfill its duty to uphold my constitutional rights, hold the 14. Alberta Government accountable and return the stolen GraceLife building to its people so that we can worship freely once again.
- I swear this affidavit bona fide, for no improper purpose. 15.

SWORN BEFORE ME at ACHNES SMITH

Commissioner for Oaths in and for the

Province of Alberta

Member of the Law Society of Alberta Active, Pro Bono

Clerk's Stamp:

COURT OF QUEEN'S BENCH OF ALBERTA		
EDMONTON		
GRACELIFE CHURCH OF EDMONTON, JAMES COATES, DONNA KLAY, ALLAN NEILL, and ACHNES SMITH		
THE PROVINCE OF ALBERTA AS REPRESENTED BY THE MINISTER OF HEALTH, THE CHIEF MEDICAL OFFICER OF HEALTH, and ALBERTA HEALTH SERVICES		
AFFIDAVIT OF ALLAN NEILL		
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 ALLAN NEILL

sworn on 3 May, 2021, in the Province of Alberta, have personal knowledge of I, Allan Neill, of the following or I am informed and do verily believe that:

1. I am a member of GraceLife Church ("GraceLife"). My wife and I regularly attend GraceLife for Sunday morning services. We are born-again Christians and followers of the Lord Jesus Christ. I am 64 years old.

We gratefully and gladly attend Sunday morning worship services at GraceLife and have 2. since it resumed gathering in-person for Sunday morning worship in June of last year. We cherish Pastor Coates' courage in leading our congregation in obedience to the Lord by meeting as the full body of Christ each Sunday.

3. It is important to us that we publicly proclaim our devotion to God by not forsaking His commandments to gather with other believers to worship Him. The fear of the Lord is the beginning of wisdom. We fear God, not COVID, or a government that demands violation of our conscience and our religious beliefs by cowering at home instead of going to church to celebrate with fellow believers.

4. With the seizure and barricading of the GraceLife Church building, the government has tried to remove us from the family of believers with whom we worship and share fellowship. We are outraged by the blatant violation of our constitutional rights as Canadian citizens. We are now barred from attending worship at the GraceLife building and forced by the Alberta Government to meet in secret in order to gather with fellow GraceLife congregants for worship on Sunday mornings. We feel like we are inside of a history book about the oppression of the Christian church in a foreign dictatorship.

5. We therefore look to this Court to fulfill its duty to uphold our constitutional rights, hold the Alberta Government accountable and return the stolen GraceLife building to its people so we can worship freely again.

6. I swear this affidavit bona fide, for no improper purpose.

SWORN BEFORE ME at

Commissioner for Oaths in and for the

Province of Alberta

ALLAN NEILL

Chad W. Graham Barrister & Solicitor Commissioner for Oathu in and for the Province of Alberta

Clerk's Stamp:

COURT FILE NO.				
COURT	COURT OF QUEEN'S BENCH OF ALBERTA .			
JUDICIAL CENTRE	EDMONTON			
APPLICANTS	GRACELIFE CHURCH OF EDMONTON, JAMES COATES, DONNA KLAY, ALLAN NEILL and ACHNES SMITH			
RESPONDENTS	THE PROVINCE OF ALBERTA AS REPRESENTED BY THE MINISTER OF HEALTH, THE CHIEF MEDICAL OFFICER OF HEALTH, and ALBERTA HEALTH SERVICES			
DOCUMENT	AFFIDAVIT OF DONNA KLAY			
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 DONNA KLAY				
SWORN ON May 11, 2021				
I, Donna Klay, of following or I am informed and do	in the Province of Alberta, have personal knowledge of the verily believe that:			
1. I am a 65-year-old family physician with 39 years of clinical practice experience. I work in a group practice clinic in Approximately 1200 patients consider me their primary care provider.				

- 2. I am a congregant of GraceLife Church ("GraceLife"). My husband and I regularly attend GraceLife for Sunday morning services. We are born-again Christians and followers of the Lord Jesus Christ.
- 3. For many months following the advent of COVID-19 and government restrictions in the Spring of 2020, I strictly adhered to all the public health mandates. Among other things, I always wore a mask and did not attend church for over 6 months.
- 4. I nevertheless became ill in December of 2020 with what was very likely COVID-19. Predictably, I recovered fully and quickly without incident.
- 5. In December and January, it became clear that I was suffering spiritually and mentally from not attending church for such a prolonged period. I knew the continued isolation was a serious threat to my mental health and, equally important, my spiritual health. I was not connected to the body of Christ through gathering in-person with the GraceLife congregation. I realized that I needed to be back worshiping with fellow believers. My husband and I decided to resume attending Sunday morning worship services at GraceLife in January of 2021.
- 6. Now that I have rejoined the body of believers in person, I have so many more opportunities to participate in the ministry of GraceLife. My heart is filled with joy as we study the Bible, sing, pray, and worship together. As an older woman, I am able to offer guidance and encouragement to younger women who are in a different season of life. These interactions are spontaneous and highly personal, and could never happen over "Zoom".
- 7. In contrast, my own son is an Elder at another Edmonton church, feeling discouraged and disconnected, as his church only gathers in strict adherence to government restrictions. His wife and children are suffering due to the lack of meaningful fellowship, the compelled wearing of masks, avoiding hugs and laughter, and losing important relationships within their church. It is sad and painful to watch.

- 8. There is no substitute for a community of believers who share fellowship, pray together, support one another, and share the Love of Christ. It is so evident that the corporate gathering must NOT be forsaken.
- 9. Over the past 14 months, I have also witnessed my elderly parents suffer isolation in their long-term care facility. My father died at 96 years of age in May of 2020 (not from, with or of COVID-19). He had not been able to see my siblings or myself for 2 months prior to his death. He was confused and distressed that none of us could visit. Since he was blind and deaf, virtual visits were impossible. Funeral arrangements were also restricted and my mother, newly widowed after 70 years of marriage, had minimal access to her family in her time of grief. It was intensely emotionally painful for both me and my mother.
- 10. My mother has had all her meaningful family events cancelled for the last 14 months. It is tragic to see my mother spend her last years almost completely alone. Yet these measures were not effective, at least in the case of my mother. Like so many other long term care residents, despite being locked down for months on end and not having received a single visitor for 2 straight months, she also became ill with what was very likely COVID-19 in late December 2020.
- Only then was I finally permitted to see her. I was able to provide the intense level of care and support that only a loving daughter can bring. I believe my care was the main reason for her recovery, instead of dying like so many other neglected seniors.
- 12. With the seizure and barricading of the GraceLife building, the government has tried to remove my husband and I from the family of believers with whom we worship and share fellowship.
- 13. I have continued to attend GraceLife Sunday morning worship services, which have been held in secret locations as if it is an "underground church" in some totalitarian country like China.
- 14. I still long to again worship in peace, free of interference by the government and its various agencies. I yearn for the return of days where we are able to gather to worship our

Lord and fellowship with each other without the threat that law enforcement or public health inspectors will attend, interrupt, and disturb our service, and potentially fine us or even confiscate our church. I feel intensely the violation of my constitutional right to worship, associate and peacefully assemble every time I think of or drive past the barricaded GraceLife building, or attend a GraceLife worship service that has gone underground.

15. I swear this affidavit bona fide, for no improper purpose.

SWORN BEFORE ME at)
THE TOWN OF DEVON, Alberta,)
this 11 day of may 2021.)
)
In Bridden) Comon Klay
Commissioner for Oaths in and for the	DONNA KLAY
Province of Alberta	

MARY BRINKLOW 0708440
A COMMISSIONER FOR OATHS
IN AND FOR THE PROVINCE OF ALBERTA
APPOINTMENT EXPIRES 2022194607.