

Form 7  
[Rule 3.8]

COURT FILE NUMBER

2203 06698

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

[REDACTED]

APPLICANT

ANNETTE LEWIS

RESPONDENTS

ALBERTA HEALTH SERVICES ABC  
HOSPITAL, DR. A, DR. B, DR. C, DR. D,  
DR. E, and DR. F  
[REDACTED]



DOCUMENT

**ORIGINATING APPLICATION**

ADDRESS FOR SERVICE  
AND  
CONTACT INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

Justice Centre for Constitutional Freedoms  
#253, 7620 Elbow Drive S.W.  
Calgary, Alberta T2V 1K2  
Attention: Allison Kindle Pejovic and Eva  
Chipiuk  
[REDACTED]

**NOTICE TO THE RESPONDENTS**

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:	
<b>Date:</b>	<b>December 7, 2021</b>
<b>Time:</b>	<del>9:00 am</del> 10:00 am
<b>Where:</b>	<b>Wetaskiwin Court Centre virtually via WebEx Video Conferencing</b>
<b>Before Whom:</b>	<b>The Presiding Justice in Chambers</b>

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

**Basis for this claim:**

1. This is an Application for relief under section 52 of *Constitution Act* (1982), section 24(1) of the *Canadian Charter of Rights and Freedoms* (the "**Charter**"), section 1 of the *Alberta Bill of Rights*, and the *Nuremberg Code* (1947) and such further and/or other relief as is set out below.
2. The Applicant, Annette Lewis, a resident of Sexsmith, Alberta, was diagnosed in 2018 with a terminal [REDACTED] condition, known as idiopathic [REDACTED] fibrosis, and is scheduled to receive a double [REDACTED] transplant through the Alberta Health Services [REDACTED] Transplant Program. The [REDACTED] transplant program team ([REDACTED]) confirms that Ms. Lewis must receive the [REDACTED] transplant or else without it, she does not have long to live.
3. The Applicant was placed on the [REDACTED] transplant recipient list in June of 2020. In March of 2021, the Applicant was advised that she was number two on the [REDACTED] transplant recipient list.
4. In March of 2021, the Applicant was first informed by the Respondents that she would be required to take the experimental Covid-19 injection in order to stay on the transplant recipient list and receive the transplant ("**the Requirement**"). A formal Alberta Health Services ("**AHS**") policy outlining the Requirement was not provided to the Applicant. The Requirement was instead confirmed on June 21, 2021, during an online conversation she had with the Respondent, Dr. A [REDACTED], and confirmed in an email Dr. A [REDACTED] provided to the Applicant on August 6, 2021.
5. The AHS policy for transplant recipients entitled "*Covid-19 Vaccine information Solid Organ Transplant Candidates and Recipients*" (the "**AHS Organ Transplant Policy**") was provided Ms. Lewis in March 2021 and on September 1, 2021. The AHS Organ Transplant Policy states that the Covid-19 vaccination is "strongly recommended" prior to transplants, but does not mandate it and even provides instructions on when best to take the vaccines after the surgery. The AHS Organ Transplant Policy also states that a transplant must not be delayed due vaccine schedules.
6. Ms. Lewis sought to remain in second position on the transplant recipient list and to be permitted to undergo surgery without the Covid-19 vaccination via written correspondence



from her counsel on September 1, 2021 to the Respondent, Dr. A . Dr. A was asked to respond to this request by September 10, 2021, but no response has been received.

7. Ms. Lewis was informed by the Respondent Dr. B on September 13, 2021, that the would further contact her in November or December 2021. As of the date of this Application, her status on the transplant recipient list remains uncertain.
8. Ms. Lewis cannot take the Covid-19 injection. She maintains that the Covid-19 injection is experimental, and that she cannot give informed consent to it, especially under coercion and duress.
9. Ms. Lewis has otherwise agreed to all recognized and published AHS and guidelines, protocols, and policies.
10. The Covid-19 vaccines are still undergoing clinical trials which will not be completed until 2022 or 2023, and renders them experimental treatments with no available long-term safety data.
11. The Covid-19 vaccines have not been clinically tested by the manufacturers in individuals with serious disease or in immunocompromised individuals, such as patients waiting for a transplant, therefore, there is no safety data from the authorized clinical trials for the group in which Ms. Lewis is classified.
12. In the United States and Europe, Covid-19 vaccines have generated more adverse event reports in the last nine months than have all other 70 vaccines over the past 30 years combined.
13. The Covid-19 vaccines are genetic vaccines which use lipid nanoparticles that are highly inflammatory. A biodistribution report provided by Pfizer to the Japanese regulatory authorities shows that these inflammatory lipid nanoparticles are capable of travelling to the and other organs.
14. Prior to a transplant it is imperative not to induce any inflammatory episodes, particularly in the . Giving Ms. Lewis a Covid-19 vaccine before, or immediately after,

her transplant could put her at a higher risk of a negative health outcome than if she remains unvaccinated.

15. The Covid-19 manufacturers admit that immunocompromised or diseased individuals, such as Ms. Lewis, may not respond appropriately to vaccination, and may not mount the required immune response; therefore, the risk to Ms. Lewis of taking an experimental, inflammatory vaccine with no safety data for those with her health challenges outweighs any claimed benefit to her.
16. There are no clinical trials or peer-reviewed studies comparing health outcomes of Covid-vaccinated and Covid-unvaccinated transplant recipients; therefore, the Respondents cannot demonstrate that Ms. Lewis' post-transplant outcome as a Covid-19 vaccinated patient would be so far superior to that of an unvaccinated post-transplant patient that it would warrant imposing the Requirement.
17. The Respondents have not provided Ms. Lewis with any alternative options, such as monoclonal antibody treatment prior to surgery.
18. The ultimatum imposed on Ms. Lewis by the Respondents to take the Covid-19 vaccine or lose her life by forfeiting the ██████ transplant is coercive and contrary to medical ethics. The Requirement unfounded and even contradictory to AHS' own guidelines, protocols, and policies.
19. The Respondents' actions are oppressive, unethical, coercive, life-threatening, discriminatory and an offence to Ms. Lewis' freedom of choice and human dignity. They violate Ms. Lewis':
  - a. Right to informed consent;
  - b. Right to refuse experimental medical treatment;
  - c. Fundamental freedom of conscience under section 2(a) of the *Charter*;
  - d. Her right to life, liberty, and security of the person under section 7 of the *Charter* in a manner not in accordance with the principles of fundamental justice; and
  - e. Section 15 *Charter* right to be free from arbitrary discrimination.

**Remedy sought:**

20. A Declaration pursuant to section 52(1) of the *Constitution Act, 1982* or section 24(1) of the *Charter* that the Respondents' Requirement to take the experimental Covid-19 injection as a prerequisite to life-saving surgery is a definitive violation of Ms. Lewis' fundamental freedom of conscience protected under section 2(a) of the *Charter* and is therefore void and of no force or effect;
21. A Declaration pursuant to section 52(1) of the *Constitution Act, 1982* or section 24(1) of the *Charter* that the Respondents' Requirement to take the experimental Covid-19 injection as a prerequisite to life-saving surgery is a definitive violation of Ms. Lewis' right to life, liberty, and security of the person protected under section 7 of the *Charter*, is not in accordance with the principles of fundamental justice, and is therefore void and of no force or effect;
22. A Declaration pursuant to section 52(1) of the *Constitution Act, 1982* or section 24(1) of the *Charter* that the Respondents' Requirement to take the experimental Covid-19 injection as a prerequisite to life-saving surgery is a definitive violation of Ms. Lewis' section 15 *Charter* right to be free from arbitrary discrimination, and is therefore void and of no force or effect;
23. Further, or in the alternative, a declaration that the Respondents' requirement to take the experimental Covid-19 injection as a prerequisite to life-saving surgery infringes on section 1 of the *Alberta Bill of Rights*, RSA 2000 c A-14;
24. A Declaration that the Respondents have violated the *Nuremberg Code (1947)* by placing the Applicant under extreme duress and using coercion to obtain her consent to an experimental medical procedure, without that consent being properly informed and voluntary;
25. An Order abridging the time for service of this Originating Application and supporting materials, if necessary;
26. An Interim, Interim Order prohibiting the removal of Ms. Lewis from her current placement on the [REDACTED] transplant list based on her Covid-19 vaccination status, pending the hearing for an Interim injunction;

27. An Interim Order prohibiting the Respondents from delaying Ms. Lewis' [REDACTED] transplant surgery on the basis that she will not be inoculated for Covid-19 prior to her surgery;
28. An Order prohibiting the Respondents from enforcing the Requirement against Ms. Lewis;
29. An Interim Order requiring the Respondents to provide bi-weekly updates to the court on the status of the Ms. Lewis' standing on the transplant recipient list, their progress in finding a suitable donor for Ms. Lewis, and on her overall health condition;
30. Costs of this Application; and
31. Such further and other relief as counsel may advise and this Honourable Court deems just and equitable.

**Affidavit or other evidence to be used in support of this application:**

32. The Affidavit of Annette Lewis;
33. The Expert Report of Dr. Bonnie Mallard, which may be filed subsequently to this action;
34. The Expert Report of Dr. Benjamin Turner, which may be filed subsequently to this action;
35. Additional materials and/or evidence yet to be filed by the parties to this action; and
36. Such further and other material as counsel may advise and as this Honourable Court may permit.

**Applicable Acts and regulations:**

37. Alberta Rules of Court, Alta Reg 124/2010.
38. *The Canadian Charter of Rights and Freedoms*.
39. *The Constitution Act, 1982*, Schedule B to the *Canada Act 1982 (UK), 1982*, c-11.
40. *Constitution of Alberta Amendment Act, 1990*, RSA 2000, c C-24.
41. *Alberta Bill of Rights*, RSA 2000, c A-14.

42. *The Nuremberg Code (1947)*.
43. *Judicature Act, RSA 2000, c J-2*.
44. Such other enactments and legislation as the Applicant may advise and this Honourable Court may consider given the circumstances.

**WARNING**

You are named as a respondent because you have made or are expected to make an adverse claim in respect of 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, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you. 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. If you intend to rely on an affidavit or other evidence when the originating application is heard or considered, you must reply by giving reasonable notice of that material to the applicant(s).