

SCC Court File No.: \_

**IN THE SUPREME COURT OF CANADA**  
(ON APPEAL FROM THE ALBERTA COURT OF APPEAL)

**BETWEEN:****ANNETTE LEWIS****APPLICANT**  
**(Appellant)**

- and -

**ALBERTA HEALTH SERVICES, ABC HOSPITAL,**  
**DR. A, DR. B, DR. C, DR. D, DR. E, and DR. F****RESPONDENTS**  
**(Respondents)**

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**NOTICE OF APPLICATION FOR LEAVE TO APPEAL**  
**(ANNETTE LEWIS, APPLICANT)**  
(Pursuant to s. 40(1) of the *Supreme Court Act*, RSC, 1985, c S-26)

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**TAKE NOTICE** that the Applicant, ANNETTE LEWIS, applies for leave to appeal to the Supreme Court of Canada, under section 40 of the *Supreme Court Act*, R.S.C. 1985, c. S-26 and Rule 25 of the *Rules of the Supreme Court of Canada*, SOR/2002-156 from the judgment of the Court of Appeal for Alberta (File no. 2203-0163AC) made on November 8, 2022, and for any further or other order that the Court may deem appropriate.

**AND FURTHER TAKE NOTICE** that this application for leave to appeal is made on the following grounds and that the case presents issues of national importance:

- No. 1. Are transplant physicians' mandatory vaccine requirements, which apply to all patients (regardless of individual circumstances) within provincial transplant programs, immune from scrutiny under the *Charter* and provincial bills of rights legislation?
- No. 2. Are provincial government mandatory vaccine requirements for transplant candidates which mirror policies of physicians within a government transplant program immune from scrutiny under the *Charter* and provincial bills of rights legislation?

No. 3. Does forcing a transplant candidate to take a novel drug, still in clinical trials and for which long-term safety data is non-existent, as a precondition for a life-saving transplant amount to a justifiable violation of her *Charter*-protected freedom of conscience and her rights to life, liberty and security of the person, or her rights to liberty and security under the *Alberta Bill of Rights*?

Dated at the City of Calgary, Province of Alberta this 9th day of January, 2023.

*A.K. Pejovic*

**PEJOVIC LAW**

[Redacted]

**Allison Pejovic**

Tel: [Redacted]

**Counsel for the Applicant**

**SUPREME ADVOCACY LLP**

[Redacted]

**Eugene Meehan, K.C.**

**Thomas Slade**

Tel.: [Redacted]

**Agent for Counsel for the Applicant**

**BENNETT JONES LLP**

[Redacted]

**Daniel L. Morrow**

**Natasha Laffin**

Tel: [Redacted]

**Counsel for Respondents,  
Dr. A, Dr. B, Dr. C, Dr. D, and Dr. F**

**FIELD LLP**

[REDACTED]

**Mark Jackson, K.C.**

**Alisha Hurley**

Tel:

[REDACTED]

**Counsel for the Respondents, Alberta  
Health Services and ABC Hospital**

**NOTICE TO THE RESPONDENT OR INTERVENER:** A respondent or intervener may serve and file a memorandum in response to this application for leave to appeal within 30 days after the day on which a file is opened by the Court following the filing of this application for leave to appeal or, if a file has already been opened, within 30 days after the service of this application for leave to appeal. If no response is filed within that time, the Registrar will submit this application for leave to appeal to the Court for consideration under section 43 of the *Supreme Court Act*.