



Daniel L. Morrow  
Partner

[REDACTED]  
[REDACTED]  
[REDACTED]

April 21, 2023

VIA EMAIL: [REDACTED]

Ms. Allison Pejovic

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Ms. Pejovic:

**Re: Annette Lewis v. Alberta Health Services et al – Court of Appeal File No. 2203-0163AC**

We are in receipt of your letter dated April 14, 2023.

As you are aware, both the Alberta Court of King's Bench and Alberta Court of Appeal have confirmed in this matter that determinations made by specialized transplant physicians, including with respect to eligibility for transplantation, continue to be "quintessentially clinical."<sup>1</sup>

There has been no change in the [REDACTED] transplant team's clinical assessment of the requirement for patients to be vaccinated for COVID-19 prior to transplantation. Accordingly, our clients respectfully decline Ms. Lewis' request to be reinstated to Status 2 on the transplant waitlist.

Yours truly,

**BENNETT JONES LLP**

Daniel L. Morrow

cc: Mr. J. Mark Jackson, K.C. - Field Law – via email: [REDACTED]  
Ms. Alisha Hurley - Field Law – via email: [REDACTED]  
Ms. Natasha O.Q. Laffin, Bennett Jones LLP – via email  
Mr. Krishen Singh, Bennett Jones LLP – via email

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<sup>1</sup> *Lewis v Alberta Health Services*, [2022 ABCA 359](#) at para 32. While Ms. Lewis has sought leave to appeal this decision to the Supreme Court of Canada, as of the date of this letter, leave has not been granted.

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