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COURT OF QUEEN'S BENCH OF  
ALBERTA

JUDICIAL CENTRE

EDMONTON

APPLICANT

ANNETTE LEWIS

RESPONDENTS

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

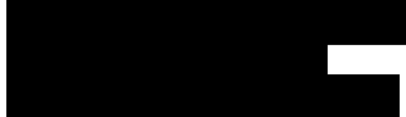
DOCUMENT

**AFFIDAVIT OF DR. A**

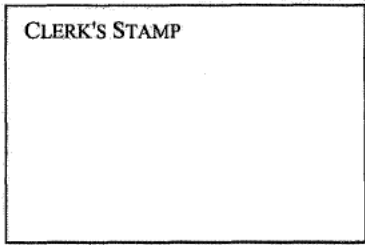
ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF PARTY  
FILING THIS DOCUMENT

**BENNETT JONES LLP**  
Barristers and Solicitors  
3200 TELUS House, South Tower  
10020 – 100 Street  
Edmonton, AB T5J 0N3

Attention: Daniel L. Morrow



**AFFIDAVIT OF DR. A**  
**Sworn on January 6<sup>th</sup>, 2022**



COURT FILE NUMBER 2112 00417  
 COURT COURT OF QUEEN'S BENCH OF ALBERTA  
 JUDICIAL CENTRE WETASKIWIN  
 APPLICANT ANNETTE LEWIS  
 RESPONDENTS ALBERTA HEALTH SERVICES,

ABC HOSPITAL, Dr. A  
 Dr. B Dr. C  
 Dr. D Dr. E  
 and Dr. F

DOCUMENT AFFIDAVIT Dr. A

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
 BENNETT JONES LLP  
 Barristers and Solicitors  
 3200, 10020-100 St.  
 Edmonton, Alberta

Attention: Daniel Morrow  
 [Redacted]

**AFFIDAVIT OF Dr. A**  
 Sworn/Affirmed on JANUARY 6th, 2022

I, Dr. A [Redacted], Physician, of the City of Edmonton, in the Province of Alberta, MAKE OATH AND SAY THAT:

1. I have personal knowledge of the matters contained in this Affidavit, except where stated to be based upon information and belief, in which case I believe the same to be true.

Edmonton [Redacted] Transplant Program

2. I am a physician certified by the College of Physicians and Surgeons of Alberta to practice internal medicine and respirology. I am also an assistant professor at the Department of Medicine, Division of [Redacted] Medicine at the ABC Hospital [Redacted]. My practice primarily involves [Redacted]

Dr. A  
 [Redacted]

transplant patients, and why the [REDACTED] still requires pre-transplant COVID-19 vaccination. I also explained differences between risk for the general population compared to medically vulnerable populations, such as Ms. Lewis. Attached as **Exhibit "H"** to my Affidavit is a copy of the email correspondence between the [REDACTED] and Ms. Lewis between August 3, 2021 and August 6, 2021.

53. On September 2, 2021 Nurse Frizzell spoke with Ms. Lewis via telephone. During this phone call Ms. Lewis indicated that she had still not received her COVID-19 vaccine, and that she was aware that although she was still on the transplant list, her refusal to immunize may affect the [REDACTED] selection process. Nurse Frizzell discussed some of the misinformation contributing to Ms. Lewis's vaccine hesitancy. Attached as **Exhibit "I"** to my Affidavit is a copy of the clinical notes documenting Nurse Frizzell's phone call with Ms. Lewis on September 2, 2021.

54. On September 13, 2021 **Dr. B** [REDACTED] a [REDACTED], attended a telemedicine appointment with Ms. Lewis via videoconferencing; the clinical records do not indicate a discussion regarding COVID-19 vaccination. Attached as **Exhibit "J"** to my Affidavit is a copy of a clinical letter dated September 14, 2021 from **Dr. B** to Ms. Lewis' doctor, Dr. Angela Joan Lillian Luckham, outlining **Dr. B**'s telemedicine attendance with Ms. Lewis on September 13, 2021.

55. On November 15, 2021 **Dr. B** attended a telemedicine appointment with Ms. Lewis via telephone. Ms. Lewis had not yet received the COVID-19 vaccination, but indicated that she was considering it. **Dr. B** reviewed the importance of pre-transplant vaccination, and indicated that AHS was now mandating COVID-19 vaccination for all pre-transplant patients. **Dr. B** noted that Ms. Lewis was aware that she would likely have to go to Status 0 on the waitlist until either the pandemic was over or she was vaccinated. I am informed by **Dr. B** that the foregoing advice represented his understanding as of November 15, 2021. Attached as **Exhibit "K"** to my Affidavit is a copy of **Dr. B** and Nurse Frizzell's clinical notes for the attendance with Ms. Lewis on November 15, 2021.

56. On November 18, 2021 Ms. Lewis informed the [REDACTED] in an email that she would not be obtaining the COVID-19 vaccine. Attached as **Exhibit "L"** to my Affidavit is a copy of the email from Ms. Lewis dated November 18, 2021.