

Action No.: 2102-05742
E-File Name: CVQ21SCOTTC
Appeal No.: _____

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE OF CALGARY

BETWEEN:

ALBERTA HEALTH SERVICES

Applicant

and

CHRISTOPHER SCOTT, WHISTLE STOP (2012) LTD.,
GLEN CARRITT, JOHN DOE(S), JANE DOE(S)

Respondents

P R O C E E D I N G S

Calgary, Alberta
May 13, 2021

Transcript Management Services
1901-N, 601 - 5 Street SW
Calgary, Alberta T2P 5P7
Phone: (403) 297-7392
Email: TMS.Calgary@csadm.just.gov.ab.ca

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1 Proceedings taken in the Court of Queen's Bench of Alberta, Courthouse, Calgary, Alberta

2
3 May 13, 2021

Morning Session

4
5 The Honourable Associate

Court of Queen's Bench of Alberta

6 Chief Justice Rooke (remote appearance)

7
8 J. Jackson (remote appearance)

For Alberta Health Services

9 K. Fowler (remote appearance)

For Alberta Health Services

10 J. Siddons (remote appearance)

For Alberta Health Services

11 C. Williamson (remote appearance)

For C. Scott, Whistle Stop (2012) Ltd., and G.
Carritt

12
13 K.C. Johnston (remote appearance)

For C. Scott, Whistle Stop (2012) Ltd., and G.
Carritt

14
15 (No Appearance)

For J. Doe(s) and J. Doe(s)

16 D.W. McGrath, QC (remote appearance)

For the Justice Centre for Constitutional
Freedoms

17
18 D. Matchett (remote appearance)

For Alberta Justice

19 E. Kay

Court Clerk

20
21
22 **Discussion**

23
24 THE COURT:

So, we're here today on what I call the comeback
application on the ex parte that I granted on May the 6th. Let me set that up a little better.

25
26
27 I see a number of people in the room that I recognize, in the virtual room, Mr. Williamson,
28 on behalf of Mr. Scott, Mr. -- Mr. McGrath, on behalf of the Justice Centre --

29
30 MR. MCGRATH:

Good morning.

31
32 THE COURT:

-- and Ms. Jackson, from AHS, and Mr. Ken
33 Johnston also on behalf of Mr. Scott. I see a number -- I see a number of other people
34 present who I take are observers from one side or the other, and they're welcome to observe,
35 but I will not be hearing any of them unless someone gives me a basis upon which to do
36 so.

37
38 So, let me just set this up appropriately. I want to deal with Mr. McGrath fairly quickly
39 and get him on his way. But the -- this is a -- everybody -- I should say everybody who is
40 present must mute their mic until they're speaking. And if there's background noise, I'm
41 going to have madam clerk or Mr. Clerk, as the case may be, throw everybody out who

1 isn't entitled to be here.

2
3 So, I granted an ex parte order to AHS on May the 6th, and it was subsequently served, as
4 I understand. And then, Mr. Williamson, you brought a motion on May the 7th, I'm not
5 sure if it was filed or not, I've got a copy of an unfiled one, so I don't know if it was a filed
6 motion, you can let me know next time you speak, and wanting to set aside the ex parte
7 application.

8
9 The rules for this type of hearing are set out in the case of *Tiger Calcium Services Inc. v.*
10 *Sazwan*, 2017 ABCA 316, at paragraph 173. And in one sense, the application has started
11 all over again but kind of tying the two together. There's an application now to set aside
12 that order. And what it means is that we will reconsider that order on the basis of all of the
13 evidence that's now filed by AHS in the original case up to May 6th, and then by Mr.
14 Williamson and company since then. And there's a response affidavit by AHS.

15
16 So, that's the evidence upon which this so-called comeback application will be heard. We
17 will not be going through and -- and requiring Ms. Jackson -- there's too many Js in this
18 group, Jackson and Johnston and others. But, in any event, we will not be asking her to
19 remake her application. We'll take it as it stands, as at May 6th together with the new
20 information, and we'll consider it in that light.

21
22 Which takes me to Mr. McGrath because, as I understand it, Mr. McGrath and Ms. Jackson
23 -- Mr. McGrath, who sought -- or advised he was going to seek intervener status on behalf
24 of the Justice Centre for -- let me just get that correctly -- Justice Centre for Constitutional
25 Freedom, the shortened form, Justice Centre, if there wasn't some changes to the draft
26 order.

27
28 I understand that he and Ms. Jackson have agreed to one deletion from the order as it will
29 go forward if -- if maintained. And I have no problem with that consent if that's the case.
30 I didn't act upon it when it was raised with me on the 11th because there may be other
31 changes. Even if the order remains substantially in place, there may be other changes as a
32 result of our discussion today.

33
34 So, unless Ms. Jackson or -- or Mr. -- Mr. McGrath have any matters they want to raise,
35 I'm prepared to accede to their amendment of the order going forward to the extent that it
36 is upheld in this hearing and will be included in an amended order that we'll issue today if
37 the substance of the order remains. If the order is set aside today, then, of course, that
38 becomes redundant.

39
40 So, are we on the same page, Mr. McGrath and Ms. Jackson?
41

1 MR. MCGRATH: My Lord, Dalton McGrath. Thank you, Sir.
2 You've summarized it quite correctly, Sir. My learned friend and I have agreed on behalf
3 of our respective clients, for the record, to remove the words "or independently to like
4 effect," in paragraph 1 of the ex parte order, Sir.

5
6 I haven't heard from my learned friends, Mr. Johnston or Williamson. I assume they don't
7 object to that, but perhaps we can just double check that on the record now, My Lord.

8
9 THE COURT: I assumed that that was the case. Mr.
10 Williamson, any objection to that amendment if the order continues?

11
12 MR. WILLIAMSON: My Lord, we have no objection to the
13 amendments proposed by our learned friends.

14
15 THE COURT: Okay.

16
17 MR. MCGRATH: I think that's all you need to hear from me, Sir.
18 Thank you for much for your time. And I'll await any amended order or anything arising
19 from this. Thank you very much for your time this morning, My Lord.

20
21 THE COURT: Okay. You're -- you're free to leave. So,
22 returning to the work at hand. I have received an affidavit from your office, Mr.
23 Williamson, together with your application. You can tell me whether any of that material's
24 been filed. I don't notice -- see any filed stamps on any of it, but I presume it has been or
25 will be, so let me know about that.

26
27 I've also received an affidavit in response from AHS, from Ms. -- I'll just get her name.
28 Your affidavit was from Mr. McElshun (phonetic), from your office. And the other
29 affidavit was from Ms. Neudorf (phonetic), on behalf of AHS. So, those are the two new
30 pieces of evidence that I've received, and I won't get into all the correspondence and the
31 emails and the like, together with your application.

32
33 So, it's on that that I will hear you. To the extent that this is a de novo, I don't know that I
34 need to hear from Ms. Jackson in the first instance. I take that you're relying upon the
35 material that you filed in support of the order of May 6th together with the further affidavit
36 you filed together with the brief that you have provided to the court, dated -- just let me
37 find it for a moment. It's dated May the 12th. I don't see it stamped as being filed, but
38 maybe you can confirm whether or not that breach has been filed.

39
40 MS. JACKSON: Thank you, Sir. I believe the brief has been filed.
41 The affidavit has also been filed.

1
2 THE COURT: Okay. Mr. Williamson, your application, I take
3 it, has been filed together with your affidavit that you rely upon?
4

5 MR. WILLIAMSON: My Lord, I can confirm that it was -- we just
6 received it back from the court this morning. And we will be providing the Court and my
7 learned friends with copies as soon as practicable.
8

9 THE COURT: Well, if there -- if there's no changes to the
10 document, all I want is a copy of the front page with the court stamp on it showing the date
11 filed on each case. I don't need the document again; I've got it, so. So, I have read all of
12 that material, and I understand it. I have relied upon the brief that you provided in reference
13 to the authorities that you've mentioned. I've, in some cases, scanned the authorities.
14

15 So, I think with that in place, I can hear from you, Mr. Williamson and Mr. Johnson, on
16 your application to set aside the order. You don't need to read me every paragraph, I've
17 read it all, I understand it and -- but you can -- I've memorized, but -- so, you can highlight
18 things that you think are important as appropriate.
19

20 You will soon learn my style, that it's not just to sit like a bump on a log, and then say at
21 the end granted or dismissed, but to rather engage you if I have a question or a comment to
22 get your reaction so I better understand your position and -- and, at the same time, see if
23 I'm missing something.
24

25 MR. WILLIAMSON: Thank you, My Lord. May I have leave to begin
26 my submissions?
27

28 THE COURT: You May.
29

30 **Submissions by Mr. Williamson**
31

32 MR. WILLIAMSON: Good morning, My Lord. I'm just going to enter
33 my name for the record. My name is Chad Williamson, Your Lordship, of Williamson
34 Law. And I appear this morning with my colleague and friend, Ken Johnston, who has
35 been, again, assisting on this matter and will be -- be giving rebuttal submissions this
36 morning, My Lord, in response to any submissions given by AHS and may be also assisting
37 with auxiliary submissions.
38

39 We represent, as the Court knows, Mr. Christopher Scott, the Whistle Stop, and Glen
40 Carritt, the named respondents of the within action. This morning, our -- the submissions
41 that we'll be putting before the court are only in relation to our clients, Mr. Scott and the

1 Whistle Stop.

2

3 I also appear, for the record, with my friend, Jennifer Jackson, appearing for Alberta Health
4 Services. Further, towards submissions to the court, My Lord, over the past couple of days,
5 the purpose for which we appear before you today is to argue the narrow procedural issue,
6 My Lordship, under the *Gunther* case as to whether or not this order should have been --
7 should be set aside because AHS did not advise the court that the litigants were represented
8 by counsel.

9

10 We are not here today, My Lord, respectfully, to argue whether section 66 of the *Public*
11 *Health Act* is ultra vires -- ultra vires. We're not here to argue whether or not this injunction
12 should have been granted on the basis that it is of a permanent nature, nor are we here to
13 argue that the injunction is overbroad and applies indiscriminately.

14

15 We are aware, My Lord, of the *Tiger* case that has been raised by my friend in her
16 submissions and that this matter should be heard de novo on its merits. And, frankly, My
17 Lord, I'd just like to point out that we completely agree with AHS that, if you do not strike
18 this order on our narrow, confined submissions this morning, that there should be a hearing
19 de novo, but if we were to do so, that such a hearing take place only after such time that
20 we have had the opportunity to properly respond to the evidence that affiants swore in the
21 first instance and have put before the court.

22

23 THE COURT: No, no. To be clear, this is the day on which
24 we're going to do that. This is the comeback. And if you want to do something further,
25 cross-examine the affiants or something else, then we will be adjourning this until you do
26 that and you come back. We're not coming back a second time. There's one hearing on
27 the so-called comeback. Today's the day.

28

29 So, if you have further procedures you want to carry out before you make those arguments,
30 then you will need to seek an adjournment to do that.

31

32 MR. WILLIAMSON: Well, My Lord, with -- with the greatest respect
33 to the Court, we fundamentally disagree with our -- our friend's submission, that this should
34 be heard today based on the *Gunther* case and that the principle --

35

36 THE COURT: Well, I'm -- I'm fine to adjourn, and I'm sure Ms.
37 Jackson is. I'll adjourn it. If you want a week to cross-examine people, or a month or a
38 year, I have no problem, but the order remains in place until that happens.

39

40 MR. WILLIAMSON: And -- and --

41

1 THE COURT: I'm prepared to determine it today on the basis of
2 the material before me or a year from now on the basis of material before me then; I'm not
3 doing both.

4

5 MR. WILLIAMSON: Well, My Lord, we ask the Court to consider
6 today at least our application to set aside the order granted at the request of AHS in
7 accordance with the *Gunther* case --

8

9 THE COURT: No.

10

11 MR. WILLIAMSON: -- by the Court of Appeal.

12

13 THE COURT: The answer is no. I'm doing it once, not three
14 times. We're not doing piece by piece by piece. When you're ready to -- to deal with this,
15 we'll do with it at once, and that's either today or some day down the road.

16

17 MR. JOHNSTON: Just --

18

19 MR. WILLIAMSON: My Lord -- I'll let Mr. Johnston speak here, Sir.

20

21 **Submissions by Mr. Johnston**

22

23 MR. JOHNSTON: Justice Rooke, if I might step in. We've heard
24 your ruling. We -- it doesn't matter whether we agree or not. We respect your ruling, Sir.
25 And based on that, I would suggest to the court then that there be an immediate application
26 for an adjournment.

27

28 THE COURT: Well, that's fine. We can pick a date down the
29 road and go from there. Ms. -- Ms. Jackson, do you have any submissions on the issue of
30 an adjournment?

31

32 MS. JACKSON: No, Sir. As long as your order remains in place
33 for the period of the adjournment, we have no objections.

34

35 THE COURT: The order will remain in place forever unless it's
36 set aside.

37

38 MS. JACKSON: Thank you, Sir.

39

40 THE COURT: So, how much time do you need? As opposed to
41 setting a specific date, I can adjourn it sine die and you can do what you need to do or want

1 to do, and we can reconvene when we all can find a convenient date.

2
3 MR. WILLIAMSON: My Lord, it may be prudent to adjourn it sine die
4 in accordance with your wisdom just so that I might have the opportunity to confer with
5 my friend, Ms. Jackson, on time tables. We have respect for the -- obviously, the busy
6 schedule of the affiants that swore evidence to support the application, so it's probably best
7 that we have -- have the opportunity to convene. If we can't come to an agreement, then
8 perhaps we can come before Your Lordship again to get a litigation plan in place.

9
10 THE COURT: Well, a litigation plan sounds pretty complicated
11 for what we're doing. We're -- we are hearing this application de novo in accordance with
12 the *Tiger* case reference I gave, and so that's the extent to which I'm dealing with this. If
13 you're going to get into constitutional issues, we're going to be adjourned for a long time.
14 That -- and in that scenario, we might need a litigation plan; I haven't thought it through.

15
16 But I don't think we need a litigation plan for the de novo. The de novo is that you have a
17 right to cross-examine affiants from AHS. They have a right to cross-examine your affiants
18 without putting too many parameters on it. You each may have a right to file further
19 affidavits, although, at some point in time, they got to stop because every day is a new day
20 and every affidavit's a new affidavit.

21
22 So, it seems to me that what you and Ms. Jackson might agree upon is, if there's new
23 affidavits to be filed, then, as we deal in most applications in court, as you know, the
24 applicant files its material, its affidavits, and the respondent files its affidavits. The
25 applicant has a reply. The same with the -- with the briefs or arguments, written arguments.
26 And so, I would intend to follow that in this case.

27
28 So, if you want to go away and -- and exercise the right of cross-examination on either side
29 or not, I don't care, you can. And then, if you -- as a result, if you, Mr. Williamson and Mr.
30 Johnston, want to cross-examine the AHS affidavits, you can do so. If you want to file an
31 affidavit in response, you can do so, but that'll be your last affidavit.

32
33 Ms. Jackson will have the final right, as the original applicant, to do a full -- further affidavit
34 in response if necessary. She's already done that now today in response to what you had
35 filed, so we're finished subject to cross-examination, but -- so, that's -- that would be the
36 procedure that I will require.

37
38 As to when we come back to deal with this, it'll depend, not only on your schedules, it'll
39 depend on my schedule, as well, and so we'll have to come to agreement on that. I was
40 ready to deal with it today. But if you don't want to deal with it today, we're -- we're not
41 going to deal with it piece by piece. We're going to deal it all or nothing.

1
2 MR. JOHNSTON: Justice Rooke, if I might address the Court. We
3 respect your ruling, Sir. I might, I guess, having some experience in these matters, just
4 advise that we want to be respectful of Dr. Hinshaw's time, as well. We -- we're
5 contemplating cross-examining her. And we understand the public importance of her role.
6 And I would think that we would want to respect Ms. Jackson's right to consult with Dr.
7 Hinshaw on her availability. And, of course, that wouldn't be known to the Court today.

8
9 So, I think, Sir, that adjourning sine die so that counsel have some time to look at what Mr.
10 Williamson was referring to as a litigation plan would be good.

11
12 I'd also make two other points, Sir. One -- and I appreciate Ms. Jackson's and the Court's
13 expediting the release of our client. That certainly was an emergency matter that have to -
14 - that had to be attended to. And I appreciate the judiciary, as well as ASH, accomplishing
15 that (INDISCERNIBLE) somehow remove of the emergency to have this application,
16 which is of large public importance, heard immediately.

17
18 And I would submit, Sir, that it should (PORTION OF PROCEEDINGS NOT
19 RECORDED) with all relevant evidence put before the Court.

20
21 **Discussion**

22
23 THE COURT: So, let me respond to that. And I'll call upon Ms.
24 Jackson if she has other comments. If you're going to be challenging the constitutionality
25 of the AHS orders, the CHCMOHs (phonetic) or whatever they're called, then that's a
26 different procedure and we'll set a separate procedure for that.

27
28 But what I'm contemplating is that we will be going through a procedure to determine
29 whether the injunction that I granted is maintained or -- or disbanded. And if you want to
30 cross-examine Dr. Hinshaw in the -- in the context of the constitutionality, that's a different
31 procedure.

32
33 And I appreciate that -- that the legislation and the basis upon which the injunction is sought
34 needs to be constitutional, but I can envision a procedure where it says on the assumption,
35 or the presumption, that the law is valid, on that basis, should this injunction have been
36 granted; that's one step.

37
38 The second step might be we can deal with that, but we want to challenge the
39 constitutionality. That is a much bigger step and requires a much more detailed record.
40 And I addressed that the other day in the context of the same sort of relief that was sought
41 in the case that came from Justice Kirker, the name of which escapes me for the moment.

1 But --

2

3 MS. JACKSON: It's the *Ingram* case, My Lord.

4

5 THE COURT: Say again.

6

7 MS. JACKSON: The *Ingram* case, My Lord.

8

9 THE COURT: The *Ingram* case. So, they're -- that's going down
10 a constitutional track, as I understand it. It may be that the -- they're on the same track.
11 We don't want to do constitutional arguments ten times on the same issues. I think that
12 might have been focussed on religion, whereas this is focussed on freedom of speech and
13 assembly, but they are kind of two peas in a pod.

14

15 So, I think that there's a way to separate the two to deal with the validity of the injunction,
16 assuming and presuming the law to be valid, because that's one step, and then -- and
17 reserving the right to challenge the law. So, otherwise, we don't get to deal with the
18 injunction until 2022 probably.

19

20 So, I want you to think about that. And I want you to think about whether you need to
21 examine Dr. Hinshaw in the context of the injunction as opposed to the context of the
22 constitutionality. And you may or may not want to do that. I reserve the right to have a
23 role -- procedural role in that process.

24

25 Mr. Brown, on the other hand, and Ms. -- I keep missing her name -- Ms. Neudorf deal
26 more with the -- for lack of a better way of putting it, the facts surrounding your client and
27 your representation and the knowledge of your representation of your client in the context
28 of this case.

29

30 So, that -- that, to me, doesn't go to the constitutionality; it goes to the -- whether the
31 injunction is proper, assuming, presuming the orders are constitutional.

32

33 MR. JOHNSTON: Justice Rooke, thank you very much for your
34 guidance on that --

35

36 THE COURT: You're --

37

38 MR. JOHNSTON: -- matter. I would say, Sir, that we -- we have --
39 Mr. Williamson and I had discussed briefly the (PORTION OF PROCEEDINGS NOT
40 RECORDED) for the matter to be adjourned sine die so we can consider your advice today
41 and be able to take a comprehensive stand with respect to our client (PORTION OF

1 PROCEEDINGS NOT RECORDED) have talked in taking out a procedure that might not
2 take into -- contemplate what you've advised us on today.

3
4 THE COURT: Well, and let me add one further thing. On the
5 constitutionality side, if that's going to go forward, it may well be that we would either
6 consolidate this action and the -- and, again, I missed the name, Ms. Jackson.

7
8 MS. JACKSON: The *Ingram* case, Sir.

9
10 THE COURT: *Ingram*. I'll write it down. I won't forget it again.
11 It may be that we would consolidate the two cases or have them argued at the same time
12 because they'll be substantially the same issues, I presume, maybe different sections of the
13 *Charter*, but we'll -- they'll all end up with section 1, presumably, and so maybe those
14 arguments get -- if they're going to proceed, go ahead.

15
16 And we don't know where the pandemic is going. If it all goes up in smoke and we all get
17 vaccinated, maybe it all becomes academic at some point. I don't know, but . . . So, I'm
18 not foreclosing that possibility. We have the same party who is -- AHS is maintaining the
19 validity of their orders and the constitutionality of their orders, and so --

20
21 MS. JACKSON: Sir, on that point, if I may. It's -- we're Alberta
22 Health Services. And the -- and the orders are issued by the government of Alberta, so it
23 is a different party. So, we are dealing with the constitutionality issue that needs to be
24 considered, as well, by my friends.

25
26 THE COURT: Okay. I take your point. I take your point. I -- I
27 didn't focus on that. I focussed on AHS and the government being one for the purposes of
28 these -- these issues, but to the extent that there's separate issues, then I'll let you work that
29 out.

30
31 All I'm saying is that I don't see *Ingram* going down the trail on constitutionality as one
32 proceeding and taking up court time and the Scott case going down the trail for the same
33 arguments under a different section of the *Code* at another time and taking up court time,
34 so there's some judicial economy that we might be able to work out, but . . .

35
36 So, if we are -- if we have an application, as I understand it, from Mr. Williamson and Mr.
37 Johnston to adjourn this hearing sine die, we will do so with a couple of caveats. One is
38 that the order going forward from today will be modified at the agreement of Mr. McGrath
39 and Ms. Jackson and without the opposition of Mr. Williamson or Mr. Johnston to make
40 the amendment to paragraph 1.

41

1 The second matter, to the extent that the order remains in force, it seems to me that when
2 AHS prepared the order it didn't put in a clause that deals with the right of the police to
3 detain anyone arrested pursuant to the order. 'Arrested' is the wrong word, but detained for
4 contempt. I guess it's an arrest, but it's pending bringing the person before the court. And
5 that caused some confusion to some people in relation to Mr. Scott.

6
7 So, I'm happy for the three of you to put your heads together and look at the standard form
8 of order that is often the case when a warrant is issued in a criminal matter that authorizes
9 the police to arrest the subject and to detain him or her until they can bring -- be brought
10 before the court in accordance with the law.

11
12 So, it's a pretty standard clause, but I'm going to let you two -- you three work that out.
13 And that would be added to the order. So, there would be an amended order today. The
14 recitals can refer to the -- the consent. I don't know that the Justice Centre need -- needs to
15 be named, but I'll leave that you, Mr. McGrath, in the recitals, but, if so, it would be whereas
16 the Justice Centre's intending to seek intervener status and, as a result of a negotiations and
17 the consent of AHS and the Justice Centre and without opposition from counsel for Mr.
18 Scott or any of the other defendants. That was amended by agreement.

19
20 And then, whereas it appears that there was a gap/hiatus with respect to the rights of
21 contemnors -- alleged contemnors in the context of being arrested by the police and,
22 therefore, that would be directed by the Court. So, we're hoping that those provisions aren't
23 needed in the future, but if they are, there should be -- it should be in the order. And I
24 didn't look at it carefully enough, and it wasn't put in there, so.

25
26 So, anybody have any problem with those matters?

27
28 MR. WILLIAMSON: We have no problem with your direction this
29 morning, My Lord.

30
31 **Decision**

32
33 THE COURT: So, again, to do the paperwork, you might have
34 a couple of recitals. You change -- take that piece out of paragraph 1. You add in another
35 paragraph or subparagraph on the right to detain. You put in that -- and it'll be an
36 amendment as at today. So, the order will read May 6th, 2021, as amended May 13, 2021.
37 And you can put in the recitals, I guess, that the application set for today is adjourn sine
38 die without prejudice to the issues raised in the hearing de novo of the injunction.

39
40 At this stage, there'll be no cost to any party for today's attendance. Is there anything else
41 we need to cover today?

1
2 MS. JACKSON: Thank you, Sir. I can provide a form of order
3 over to my friends.
4

5 THE COURT: Okay. And -- and there's no one else that needs
6 to sign off on the order as you've dealt with -- you say you're relating -- you're representing
7 today Mr. Scott and his business. I don't know if it's an incorporated company or not. But
8 you also, at one point in time, represented the other defendant, named defendant. And Mr.
9 Carritt, C-A-R-R-I-T-T, I don't know -- you -- you said you weren't representing him today.

10
11 So, other than Mr. Scott and the Whistle Stop, it is a limited company, (2012) Ltd., rule
12 9.4(2)(c) is involved with respect to any other defendant.
13

14 MR. WILLIAMSON: My Lord, if I could make just one respectful
15 correction. We do still represent Mr. Carritt in the overarching de novo hearing. We had
16 not planned on making submissions today on his behalf in relation to our *Gunther*
17 application, so we still represent him, My Lord.
18

19 THE COURT: Okay. Well, then you can sign the order
20 approval as to form on his -- on behalf of all three of them.
21

22 MR. WILLIAMSON: I certainly can.
23

24 THE COURT: Is there anything further we need today? So,
25 when you have a procedure plan, please keep me informed. I don't know that it needs a
26 formal procedural order but, if it does, I will consider that. And I have a fair bit of
27 availability between now and the end of June and again in September, and so I have no
28 doubt that we can schedule matters. I -- I don't take a regular schedule in my role, so I'm
29 not sitting every day like many of our other judges, and so I'm sure we can find a time to
30 come back, but don't presume that I'm going to be available in a moments notice.
31

32 Having said that, I'm prepared to meet in the context of rule 410 for advice and directions
33 and procedural orders that may assist the process.
34

35 MR. WILLIAMSON: Thank you, My Lord.
36

37 THE COURT: We stand adjourned sine die.
38

39 MS. JACKSON: Thank you, Sir.
40

41 THE COURT CLERK: Order in court.

1
2 MR. JOHNSTON: Thank you, My Lord.

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6 PROCEEDINGS ADJOURNED

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Certificate of Record

I, Elena Kay, certify that this recording is the record made of the evidence in the proceedings in Court of Queen's Bench held in courtroom 1102 in Calgary, Alberta on the 13th day of May, 2021, and that I was the court official in charge of the sound-recording machine during the proceedings.

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1 **Certificate of Transcript**

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3 I, Monica Kazar-McKenna, certify that

4
5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the best
6 of my skill and ability and the foregoing pages are a complete and accurate transcript of
7 the contents of the record, and

8
9 (b) the Certificate of Record for these proceedings was included orally on the record and
10 is transcribed in this transcript.

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12 Digi-Tran Inc.

13 Order Number: AL14618

14 Dated: May 17, 2021

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