

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

CANADIAN SOCIETY FOR THE ADVANCEMENT
OF SCIENCE IN PUBLIC POLICY

PLAINTIFF

AND

HER MAJESTY THE QUEEN IN RIGHT
OF THE PROVINCE OF BRITISH COLUMBIA
AND
DR. BONNIE HENRY IN HER CAPACITY AS PROVINCIAL HEALTH
OFFICER FOR THE PROVINCE OF BRITISH COLUMBIA

DEFENDANTS

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

RESPONSE TO DEMAND FOR PARTICULARS

TO: The Defendants

In response to the Defendants' Demand for Particulars dated August 17, 2021 (the "Demand") the Plaintiff says:

1. In response to paragraph 1(a) of the Demand, both Defendants.
2. In response to paragraph 1(b) of the Demand, the Defendants are seeking evidence in support of a material fact that has been plead and therefore the demand is not a proper request for particulars. The Plaintiff further says that the information requested is best known by the Defendants.
3. In response to paragraph 1(c) of the Demand, the Defendants are seeking evidence in support of a material fact that has been plead and therefore the demand is not a proper request for particulars. The Plaintiff further says that the information requested is best known by the Defendants.
4. In response to paragraph 1(d) of the Demand, the modalities include:
 - a. Bamlanivimab;
 - b. SaNOtize;
 - c. Ivermectin;
 - d. ascorbic acid.

5. In response to paragraph 2 of the Demand, the Complementary Therapies include:

- a. Bamlanivimab;
- b. SaNOtize;
- c. Ivermectin;
- d. ascorbic acid.

6. In response to paragraph 3 of the Demand, the Plaintiff says that it has already pled that all or in the alternative some, of the Ministerial orders were "not necessary to 'prevent, respond or alleviate' the effects of COVID-19 to the population of British Columbia".

7. In response to paragraph 4 of the Demand, with respect to Part 1, paragraph 50(f) of the Notice of Civil Claim, particulars identifying the "further orders" include:

2020:

M085
M086
M087
M098
M114
M115
M116
M124
M138
M146
M161
M171
M180
M183
M192
M195
M257
M314
M416
M425
M431
M480

2021:

M013
M182
M192
M273

And any and all subsequent orders extending the above.

8. In response to paragraph 5 of the Demand, none of the Public Health Orders reference the medical or scientific basis for issuing the order and do not satisfy the requirements of s. 52 of the *Public Health Act*.
9. In response to paragraphs 6(a) – (e) of the Demand, all of the Orders, as defined in the Notice of Civil Claim, are:
 - (a) inconsistent;
 - (b) contradictory;
 - (c) contrary to reasonably established medical and scientific principles and research;
 - (d) do not satisfy the requirements of s. 9 of the *Emergency Program Act*;
 - (e) do not satisfy the requirements of s. 52 of the *Public Health Act*.
10. In response to paragraph 6(f) of the Demand, the Public Health Officer, Dr. Bonnie Henry, issued a letter to the public dated April 10, 2020 stating, in part “A non-medical cloth mask or face covering, while helpful in containing your own droplets, will not protect you from COVID-19” (<https://news.gov.bc.ca/factsheets/non-medical-cloth-masks-are-your-choice-during-covid-19>)
11. In response to paragraph 6(g) of the Demand, the Defendants are seeking evidence in support of a material fact that has been plead and therefore the demand is not a proper request for particulars. The Plaintiff further says that the information requested is best known by the Defendants.
12. In response to paragraph 6(h) of the Demand, the Defendants are seeking evidence in support of a material fact that has been plead and therefore the demand is not a proper request for particulars. The Plaintiff further says that the information requested is best known by the Defendants.
13. In response to paragraph 7(a) of the Demand, all Orders as defined in the Notice of Civil Claim are included within “these restrictions”.
14. In response to paragraph 7(b) of the Demand, all Orders are alleged to have caused each of the "Restriction Effects" as enumerated in paragraph 54(a) through (i) inclusive of the Notice of Civil Claim.
15. In response to paragraph 8 of the Demand:
 - (a) January 2021 – Government of British Columbia (http://www.bccdc.ca/Health-Info-Site/Documents/BC_COVID-19_Disclaimer_Data_Notes.pdf);

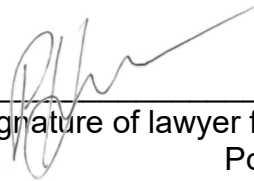
- (b) June 24, 2021 – Ministry of Health
(<https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/covid-19-guidance-retail-food-and-grocery.pdf>)
- (c) June 24, 2021 – Ministry of Health
(<https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/covid-19-guidance-episodic-markets.pdf>)
- (d) June 24, 2021 – Ministry of Health
(<https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/archived-docs/covid-19-guidance-food-liquor-serving-premises.pdf>)

16. In response to paragraph 9 of the Demand, the Notice of Civil Claim sets out sufficient particulars of the orders and the Defendants are seeking evidence in support of a material fact that has been plead and therefore the demand is not a proper request for particulars.

17. In response to paragraph 10 of the Demand, the Notice of Civil Claim sets out sufficient particulars of the orders and the Defendants are seeking evidence in support of a material fact that has been plead and therefore the demand is not a proper request for particulars.

18. In response to paragraph 11 of the Demand, the Notice of Civil Claim sets out sufficient particulars of the orders and the Defendants are seeking evidence in support of a material fact that has been plead and therefore the demand is not a proper request for particulars.

Dated: August 30, 2021



Signature of lawyer for the Plaintiff,
Polina H. Furtula