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**THE KING'S BENCH  
Winnipeg Centre**

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**(Proceeding under *The Class Proceedings Act* C.C.S.M. c. C130)**

BETWEEN:

**COURTNEY PETERS**

Plaintiff

and

**THE GOVERNMENT OF MANITOBA (HIS MAJESTY THE KING IN RIGHT OF MANITOBA),  
DR. BRENT ROUSSIN, CHIEF PUBLIC HEALTH OFFICER FOR THE PROVINCE OF  
MANITOBA, THE CITY OF WINNIPEG, and THE WINNIPEG POLICE SERVICE**

Defendants

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**STATEMENT OF CLAIM**

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File No. CST-36

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WINNIPEG

APPVD  
A.A.  
*[Signature]*

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THE WINNIPEG POLICE SERVICE**

Defendants

**STATEMENT OF CLAIM**

TO THE DEFENDANTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a Manitoba lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the *King's Bench Rules*, serve it on the plaintiff's lawyer or where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Manitoba.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

December 8, 2022  
Date

Issued A. Aithead  
Deputy Registrar

COURT OF KING'S BENCH  
MAIN FLOOR - 408 YORK AVENUE  
WINNIPEG, MANITOBA R3C 0P9  
CANADA

TO: HIS MAJESTY THE KING IN RIGHT OF MANITOBA:  
Attorney-General of Manitoba  
c/o Michael Connor  
Constitutional Law Section, Legal Services Branch Manitoba Department of Justice  
1205-405 Broadway  
Winnipeg, Manitoba R3C 3L6

AND TO: DR. BRENT ROUSSIN, CHIEF PUBLIC HEALTH OFFICER FOR THE PROVINCE OF  
MANITOBA:  
Civil Legal Services Branch  
7th Floor- 405 Broadway  
Winnipeg, Manitoba R3C 3L6

AND TO: THE CITY OF WINNIPEG  
c/o Mr. Doug Brown, Director of Legal Services & City Solicitor  
510 Main Street  
Winnipeg, Manitoba R3B 1B9

AND TO: THE WINNIPEG POLICE SERVICE:  
c/o Mr. Danny G. Smyth, Chief of Police  
245 Smith Street  
Winnipeg, Manitoba R3C 0R6

**CLAIM****A. RELIEF SOUGHT BY THE PLAINTIFFS**

1. The Plaintiff seeks the following remedies against the Defendants of this action:
  - a. An Order abridging the time for service of this Statement of Claim;
  - b. An order certifying this proceeding as a Class Proceeding pursuant to *The Class Proceedings Act* and appointing the Plaintiff as Representative Plaintiff for the Class;
  - c. An order designating Grey Wowk Spencer LLP as exclusive legal counsel for the Class;
  - d. An Order under s.54(1) of the *Manitoba Human Rights Code*, CCSM H-175 (the "**Code**"):
    - i. Declaring that the Administrative Standard NO. AS-016, COVID-19 Vaccination Policy (the "**Policy**") is overbroad, unreasonable, and discriminatory;
    - ii. Declaring Routine Orders 204, 214, 228, and 245 (the "**Orders**") as overbroad, unreasonable, and discriminatory; and
  - e. A Declaration that the Policy and Orders violate s. 9(1), 9(2)(d), 9(2)(j), 9(2)(k), 9(2)(m), 9(3), 13, 14(1), 14(2)(a),(b),(c),(d),(e),(f), 14(4), 14(5), 14(6), 14(12), 15(1), and 19(1) of the *Code*;
  - f. A Declaration that the Defendants have violated the Plaintiff's and each Class Member rights under sections 2(a), 7, 8, and 15 of the *Canadian Charter of Rights and Freedoms* (the "**Charter**"), by implementing the Policy and Orders, in a manner not demonstrably justified under section 1 of the *Charter*;
  - g. Damages for the violation of each Plaintiff's and Class Member's rights pursuant to sections 2(a), 7, 8, and 15 *Charter* in the amount of \$1,000,000.00 or in such other amount as is determined by this Honourable Court;
  - h. Aggravated damages pursuant to section 24(1) of the *Charter* in the amount of \$500,000.00 to each Class Member or in such other amount as is determined by this Honourable Court;
  - i. Punitive and exemplary damages arising from flagrant human rights violations in the amount of \$500,000.00 to each Class Member or in such other amount as is determined by this Honourable Court;
  - j. Damages for intentional infliction of mental distress, and assault and battery in a sum to be proven at trial but not expected to exceed \$1,000,000.00 to each Class Member;
  - k. In addition to the damages set out in subparagraphs (g), (h), (i), and (j) above, the Plaintiff and each Class Member claims special damages in an amount to be determined with particulars provided prior to trial;
  - l. Costs of this action on a substantial indemnity basis; and
  - m. Such further and other relief that this Honourable Court deems just.

**B. DEFINITIONS**

2. The following definitions apply for the purposes of this Statement of Claim:

- a. **Class or Class Members:** means Employees who oppose both vaccination absent informed consent and disclosure of their private health information about vaccination status to the Defendants under the threat of administrative and disciplinary measures up to and including termination of employment.
- b. **"Employee"** means all permanent, temporary, casual, student and fixed term employees on the company payroll of Winnipeg Police Services.
- c. **"Employment Insurance Benefits" ("EI Benefits")** means those benefits established under the *Employment Insurance Act*, SC 1996, c 23;
- d. **"Partially Vaccinated"** means having received the first dose of a two-dose series of a Health Canada approved vaccine that provides protection against COVID-19.
- e. **"Fully Vaccinated"** means having received the complete series of doses (or a single dose of the Janssen (Johnson & Johnson) COVID-19 vaccine) of a Health Canada approved vaccine that provides protection against COVID-19, and having allowed the time recommended by public health authorities to produce an immune response to COVID-19 elapse (14 days from receipt of a single-dose vaccine or of the second dose of a two-dose series). In time, being Fully Vaccinated may mean having received booster shots, when and as recommended by the applicable public health authorities.
- f. **"Proof of Vaccination"** means providing to Winnipeg Police Services, or the City of Winnipeg, official documentation issued by the government or the non-governmental entity that is authorized to issue the evidence of COVID-19 vaccination in the jurisdiction in which the vaccine was administered (including a QR code, if issued by the applicable authorities) confirming receipt of the complete series of doses (or a single dose of the Janssen (Johnson & Johnson) COVID-19 vaccine) of a Health Canada approved vaccine that provides protection against COVID-19. In time, this may require providing proof of receipt of booster shots, when and as recommended by the applicable public health authorities.
- g. **"Privacy"** means the fundamental right of individuals to create boundaries limiting access to their person, communications, or personal information, including but not limited to, medical and health records.
- h. **"Informed Consent"** means the ability to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion, with sufficient knowledge and comprehension of the elements of the subject matter involved as to enable the individual to make an understanding and enlightened decision (The Nuremberg Code, 1947).

**C. OVERVIEW OF CLAIM**

3. This action concerns the Defendants' implementation of the COVID-19 Policy and its resulting conduct as perpetrated against the Representative Plaintiff (the "**Plaintiff**") and the Class Members.

### The Parties

4. The proposed Representative Plaintiff, Courtney Peters is a civilian working as a Police Communications Operator for the Winnipeg Police Service ("**the WPS**") and has been in this position for eight (8) years. At all material times, Ms. Peters was an Employee of WPS and subject to the COVID-19 Policy.
5. The Plaintiff brings this action pursuant to *The Class Proceedings Act*, CCSM c. C130 on her own behalf and on behalf of the following Class:
  - a. All Employees not Fully Immunized against COVID-19 and who oppose being Fully Immunized for reasons which are described herein;
  - b. All Employees who oppose Proof of COVID-19 Immunization as a condition of their employment for the reasons described herein;
  - c. All Employees who oppose both vaccination absent informed consent and disclosure of private health information about their vaccination status to WPS under the threat of administrative and disciplinary measures up to and including termination of employment; and
  - d. All Employees who received the COVID-19 Immunization under duress in order to comply with the Policy and preserve their jobs.
6. The Defendant, WPS is the police service of the city of Winnipeg, Manitoba, Canada. As such, it is a government actor for the purposes of the *Canadian Charter of Rights and Freedoms*.
7. The Defendant, The Government of Manitoba, His Majesty the King in Right of Manitoba is statutorily responsible for the administration of health and safety legislation and policies in the Province. Since March of 2020, the Province has imposed severe restrictions upon the Constitutionally protected freedoms of Manitobans and has openly supported vaccine mandates. The Plaintiffs submit that the WPS adopted its mandatory vaccination policy in accordance with the *The Public Health Act C.C.S.M. c. P210* enacted by the Government of Manitoba.
8. The Defendant, Dr. Brent Roussin is the Chief Public Health Officer for the Province of Manitoba. Dr. Roussin has made a series of executive Public Health Orders restricting the civil liberties of Manitobans during the Covid-19 pandemic. Dr. Roussin has consistently supported vaccine mandates and vaccine passports as pre-requisites to entry into public and private places, including churches, retail stores, museums, court houses, and restaurants.
9. The Plaintiff and Class oppose forced vaccination without their informed consent by the WPS. The Plaintiff and Class also oppose disclosure of their private health information or disclosure of their private health information with respect to their vaccination status against their will under threat of termination or unpaid long-term leave.

### The Virus

10. Severe acute respiratory syndrome coronavirus 2 ("**SARS-CoV-2**" or "**COVID19**") is a novel form of the coronavirus, causing respiratory distress and death in a very small portion of the general population, with the largest proportion of deaths occurring in persons over the age of 75 suffering with multiple comorbidities.
11. Both the common cold and COVID-19 are subsets of coronavirus. The most recent variant of the virus, Omicron, presents symptoms similar to the common cold.

12. Government of Manitoba statistics indicate that a significant proportion of deaths attributed to COVID-19 occur within 10-14 days of people being vaccinated with their second vaccine dose of either the Moderna or Pfizer vaccines.
13. Strains of COVID-19 that have been found in Manitoba to date include the native strain of COVID-19, the B.1.1.7 United Kingdom variant ("**Alpha**"), the B.1.351 South African Variant ("**Beta**"), the B.1.617 India variant ("**Delta**") the P.1 Brazilian variant ("**Gamma**") and B.1.1.529 variant ("**Omicron**").
14. Science indicates that those considered to be fully vaccinated (ie. persons with two doses) can transmit the virus just as easily as those who are unvaccinated. This is particularly true of Omicron. It has further been established, from the Government of Canada, disclosure that the vaccines are of no benefit to person under 60 years of age.

### The Policy

15. The City of Winnipeg announced Administrative Standard NO. AS-016, COVID-19 Vaccination Policy, which, effective 15 November 2021, required all City employees and contractors identified as working in Designated Positions be fully vaccinated or declare full vaccination and provide proof of same by 15 November 2021.
16. The Plaintiff and Class first received notice of the Policy on 14 September 2021 when they received Routine Order 204 from the WPS Chief stating that the Policy will "apply to all members" and not just "designated persons" as stated in the Policy. Routine Order 204 also stated that any unvaccinated member "will be required to wear procedural masks at all times". This included a members "private workspace, cruiser car and all common areas". This eliminated the purpose of the City's exemption.
17. On 24 September 2021, the WPS Chief announced Routine Order 214, further to Routine Order 204, advising that while unvaccinated members were "not at risk for losing their employment", the WPS was discussing implementing COVID-19 testing for any member who failed to attest to their fully vaccinated status. Routine Order 214 also stated that WPS "is committed to a safe and healthy workplace for all members".
18. On 8 October 2021, Routine Order 228 was released stating that WPS' own COVID-19 Vaccination Policy would come into effect on 15 November 2021, required all members of WPS to be fully vaccinated by 15 November 2021. Any WPS who failed to attest to their fully vaccinated status by 15 October 2021, regardless of their reason, would be required to take COVID-19 Rapid Testing "up to three times per week" "during the member's off duty time", participate in an education program regarding the "risks and benefits of COVID-19 vaccination", use "enhanced personal protective equipment", and follow any other measures implemented by the WPS. Any member who refused to comply with these requirements "may be subject to discipline" including leave of absence. Routine Order 228 permitted employees to access their time banks, while placed on a leave of absence.
19. Further to Routine Order 228, the WPS Chief announced Routine Order 245 on 21 October 2021 which required unvaccinated members to participate in the following:
  1. Rapid Covid-19 testing up to three times per tour of duty:
    - All tests will be completed during the member's off duty time, without compensation.
    - One supervised test will be conducted at a site to be determined.

- Up to two tests will be completed at home.
- In the short term, the City of Winnipeg is covering the cost of the rapid tests. Members will be advised in advance if the rapid test costs will become the member's responsibility.

Due to the varying shift schedules, the testing protocols are still being developed. Information will be conveyed to the membership when details have been finalized.

2. Mandatory education:

- Members will be required to participate in mandatory education regarding the risks and benefits of Covid-19 vaccination.
- The education component will be completed during on duty time.
- The Service will be using the City of Winnipeg's education component, which is under development.

3. Mandatory enhanced PPE:

- Members will be required to wear a procedural mask at all times during their workday except when eating or drinking.

4. Work status for non-compliance:

- The Service has determined fit for duty requirements to include full vaccination for Covid-19 or compliance with the above measures.
- Unvaccinated members who fail to comply with the measures will be placed on immediate non-disciplinary unpaid leave and will not be permitted in the workplace.
- The use of time banks will not be permitted.

20. In addition to the above, Routine Order 245 revoked an employee's ability to access their time bank while on a leave of absence, with no accommodation.

21. Proponents of vaccine mandates typically claim, either directly or indirectly, that everyone who can be vaccinated has a moral or ethical obligation to do so for the sake of those who cannot be vaccinated, or in the interest of "public health". These assertions are false. There is neither a moral obligation to vaccinate nor a sound ethical basis to mandate vaccination under any circumstances, even for hypothetical vaccines that are medically risk free. Personal autonomy with respect to self-constitution has absolute normative priority over reduction or elimination of the associated risks to life. In practical terms, mandatory vaccination amounts to discrimination against health, and innate biological characteristics, which completely violate established ethical norms. Under the present circumstances, when the science clearly demonstrates that the vaccines do not provide either complete sterilizing immunity nor prevent the "fully vaccinated" from infecting others, the grossly unethical nature of vaccine mandates under these circumstances are even more observably manifested.

22. That statement is at best only theoretically true insofar as the mandated vaccines do not provide complete immunity or sterilizing "immunization".

23. The Plaintiff and Class plead that this statement is untrue, false, and materially misleading.

24. Scientific studies confirm no significant difference in the viral load between vaccinated and unvaccinated individuals with natural immunity.

25. The current COVID-19 vaccines approved by Health Canada being administered in Manitoba do not prevent the transmission of COVID-19. In actuality, the COVID-19 vaccines dampen symptoms of COVID-19 and therefore have the potential to increase asymptomatic transmission. Consequently, with muted symptoms, the risk of transmission may increase from peer to peer amongst employees, and between parties and their treating healthcare professionals.



26. Furthermore, the narrative with respect to COVID-19 vaccines that the Government of Manitoba and Dr. Roussin have perpetuated have created a false sense of security. The rhetoric has resulted in a large portion of Manitobans believing that if they are fully vaccinated, they are safe from the virus and cannot become infected or infect others. Omicron has exploded this mythology.
27. The vaccinated with "vaccine passports" can attend restaurants, bars, concerts, sport venues, including hockey games, and elsewhere under the mistaken guidance of Dr. Roussin and the Government of Manitoba that they are not able to "spread" COVID-19, while they actually can and do spread COVID-19 as efficiently as an unvaccinated individual.
28. The Policy allegedly provided for accommodations for those who are unable to be immunized due to medical reasons. However, this purported accommodation is illusory. Neither the Plaintiff nor any Class Member have been granted an exemption, and in some cases, cannot even get a physician to write an exception letter due to doctors being threatened by the College of Physicians and Surgeons (CPSM) if they write such letters. [DH1][DH2] Furthermore, even if the Plaintiff and Class were able to receive accommodation for the Policy, Routine Order 245 provided no accommodation to its requirements.
29. The Policy and Orders are not being administered on published factors that are applied consistently.
30. Further, the Policy and Orders violate the most basic standard of care of the CPSM, which requires "informed consent" for any medical treatment or procedure.
31. The fact that the majority of the ingredients have not been disclosed means that informed consent has not been obtained or cannot be obtained from anyone. Additionally, no one in Manitoba is being advised of the risk of death from the vaccines. Instead, they are being lied to by being told that the vaccines are "safe and effective" notwithstanding that the Pfizer and Moderna monograms for these products acknowledge risk of death and numerous other side effects including Bells' palsy and myocarditis.
32. The Policy and Orders are not in the public interest. By placing employees and others on "Leave of Absence" without pay, they are removing caring professionals from public service in an arbitrary and disruptive manner that will irreparably harm the Province of Manitoba.

### **The Vaccines**

33. Four vaccines were authorized in Canada to treat symptoms of COVID-19 at the time the Policy was implemented: AstraZeneca, Moderna, Pfizer, and Johnson & Johnson. All COVID-19 vaccines are still undergoing clinical trials until 2023 or later. None of these vaccines prevent the infection or transmission of COVID-19, or any of its variants.
34. These vaccines are experimental. Long-term effects have not yet been sufficiently studied and there are significant risks. These vaccines have not undergone the same stringent scientific approval process by Health Canada as have previous vaccines and medications. The vaccines could cause other side effects that remain unknown at this time due to their relatively recent development. No one can be certain about the long-term effects of a vaccine that has not been in existence for the long term and has not been studied over a span of years.
35. The COVID-19 vaccines recommended by Canadian public health authorities, are also known to cause severe adverse effects and injuries for some individuals. Health Canada has warned about various serious reactions from the COVID-19 vaccinations.

36. The recent and continued release of Post Authorization Adverse Events Reports, by the US Food and Drug Administration ("FDA") regarding the Pfizer COVID-19 vaccine, indicate that adverse reactions and side-effects, up to and including death, are not only more severe, but more frequent than anticipated based on initial data released to the public. Reported serious adverse effects include myocarditis, pericarditis, Bell's Palsy, anaphylaxis, dyspnea, thrombosis, immune thrombocytopenia, Guillain-Barré syndrome, hypoesthesia, urticaria, arrhythmia, cardiogenic shock, coronary artery disease, haemorrhaging, hypertransaminasaemia, and venous thromboembolism. Further, the FDA's own documentation reports that during the Reporting Interval alone, 1,223 deaths were reported with 9,400 cases having an unknown outcome.
37. Current data from Ontario indicates that the Moderna vaccine has been observed to cause myocarditis in 1 in 5,000 patients. Observed data indicates that the Pfizer vaccine causes myocarditis in 1 in 28,000 patients. On this basis, these vaccines have a higher risk of negative side-effects than the AstraZeneca vaccine.
38. The Plaintiff and Class further claim that the ingredients in the COVID-19 Vaccines have never been fully disclosed to the public such that any person would know if they have had a potentially fatal reaction to any of the ingredients or if they were potentially unsafe to a given person.
39. The current COVID-19 Vaccines approved by Health Canada were developed and approved in less than one year under President Donald Trump's "Operation Warp Speed" program, devised for the very purpose of developing a vaccine on an accelerated basis. However, this does not, and cannot accelerate the requisite long-term testing which by its very nature, requires data collection from a prolonged period of time.
40. Before and during implementation of the Policy and Orders, Moderna and Pfizer mRNA vaccines were the only COVID-19 vaccines being administered in and available to Manitobans.
41. Contrastingly, AstraZeneca is a viral vector-based vaccine. Due to its lesser efficacy, the potential risks, and negative side effects recorded worldwide in the first half of 2021, its use was discontinued in Manitoba and is no longer approved for use in Manitoba due to serious safety concerns, such as thrombosis.
42. Prior to its discontinuance in Manitoba, the Government of Manitoba recommended against the use of AstraZeneca in people under the age of 55 due to vaccine-induced immune thrombotic thrombocytopenia ("VITT"), a blood clotting disorder.
43. mRNA vaccines are a new type of vaccine only recently made available for public use, and this is the first time that such vaccines are being administered to humans without widespread and lengthy clinical trials first being conducted. There is no long-term data to develop any safety studies or safety history with respect to the mRNA vaccine technology. As such, any potential long-term side effects are currently unknown.
44. Rather than being proactive, the vaccination program in Canada is being amended reactively as adverse effects manifest, necessitating the need for constant amendments of safety guidelines and recommendations. This underlines the experimental nature of these vaccines.
45. On or about 29 September 2021, the Government of Ontario recommended that people between the ages of 18-24 receive Pfizer instead of Moderna due to an observed increase in cases of myocarditis and death in young adults. Other jurisdictions around the world, such as Denmark, Finland, Iceland, and Sweden, have either made similar recommendations or enacted regulations banning the administration of Moderna for those below 30 years of age due to the risk of heart inflammation as a potential side effect. The Government of Manitoba has not followed this safety protocol, nor has it provided an explanation for ignoring the concerns to Manitobans in response to these findings.

46. Janssen is a viral vector-based vaccine that was approved by Health Canada but has not been made available to the general population. In fact the availability of Janssen in Canada is currently unknown and therefore not a viable alternative to the other vaccines.
47. The COVID-19 Vaccines do not provide full immunity to COVID-19 or its known variants. They merely provide some "benefits" or "protection" which in certain circumstances decrease the severity of symptoms and potentially reduces the already minimal risk of hospitalization for most Manitobans. The benefits or protection of the COVID-19 Vaccines vary depending on numerous factors that are still being observed and studied, including underlying health conditions, the individual's age, and when the COVID-19 vaccine was administered in relation to any variant of concern.
48. It is because these experimental vaccines do not provide complete immunity, that the United States of America Centre for Disease Control amended, on or about 1 September 2021, its published definition of vaccine, from "produce immunity" to "provide protection".
49. Neither Moderna nor Pfizer prevent a vaccinated individual from being infected with variants or prevent a vaccinated individual from being infectious to others. This is especially so with the Omicron variant.
50. It is common knowledge and scientifically proven that the vaccines' efficacy deteriorates or wanes over approximately 4-6 months.
51. Individuals who are fully vaccinated can still be infected and transmit the virus ("**Breakthrough Cases**") to vaccinated individuals at similar rates to unvaccinated individuals. Further, third doses, or "boosters" are now being contemplated with little thought to their efficacy against mutated variants of COVID-19.
52. Fully vaccinated individuals are regularly admitted to hospitals, including the Intensive Care Unit ("**ICU**"), or have died from COVID-19.
53. The Government of Manitoba, Manitoba Health and Seniors Care, and Dr. Roussin routinely present modeling statistics, conclusions, or information concerning the vaccines.
54. As the efficacy of the COVID-19 vaccines wane, breakthrough cases, transmission, and death among fully vaccinated individuals are observably increasing. The Public Health Agency of Canada has admitted that 165 people have died in Canada as a result of the COVID-19 Vaccines. The Plaintiffs are aware of the evidence that indicates the number of people killed in Canada by the COVID-19 Vaccines are likely substantially higher.
55. The Pfizer and Moderna emergency use authorization in the United States of America specifically states that "sudden death" is a known side effect of the vaccines. The VAERS system in the USA attributes 44,000 deaths to COVID-19 vaccines. The number of deaths in Canada is likely proportional to that number on the basis of population, but is not being honestly acknowledged by Dr. Tam who continually falsely claims that "vaccines are safe and effective".
56. Deaths and hospitalization from COVID-19 Vaccines in children and young adults are likely a greater risk than death and hospitalization from COVID-19 itself.
57. Despite high vaccine compliance, the Delta wave exceeded the preceding third wave in Israel. Furthermore, in the United Kingdom and Israel, hospitalization for fully vaccinated individuals now exceed hospitalizations for unvaccinated individuals, and in fact may even exceed their national vaccination rates on a proportional basis when compared to the unvaccinated.

58. The purchase contracts for the vaccines are not publicly available. These contracts state that the vaccines are experimental, continue to be studied, possess unknown long-term effects and efficacy, and that any adverse effects are unknown. Furthermore, the contracts state that the manufacturers of the vaccines accept no liability whatsoever for any injuries that arise from individuals being injected with these products. Notwithstanding requests for the ingredients of these vaccines being made public, Dr. Roussin, and Manitoba Health and Seniors Care have failed either negligently or willfully in their duty of care with respect to obtaining copies of these contracts, and disclosing these contracts and vaccine ingredients publicly so that the Plaintiffs can make a fully informed decision as to whether or not to consent to the injection of these ingredients into their bodies.
59. The Plaintiff and proposed Class Members have all suffered from vilification and extreme ill-will being directed at them as "unvaccinated" people as a result of the University of Winnipeg and other Government of Manitoba representatives making false public statements and promulgating policies which have the effect of stating that the unvaccinated are to blame for the pandemic and hospital overcrowding; the unvaccinated are spreading COVID-19; that natural immunity from COVID-19 recovery is inferior to the vaccines; and actively promulgating policies that made the unvaccinated "sub-humans" with restricted rights to access society.
60. Recently, the Chief Medical Officer for the Province of Ontario, Dr. Kieran Moore, publicly acknowledged that natural exposure to COVID-19 provides an effective level of immunity to the virus.

#### **Charter and Human Rights Violations**

61. The Plaintiff and Class say that their *Charter* right to freedom of conscience protected under section 2(a) is violated by the Policy and Orders requiring attestation of being Fully Vaccinated or taking frequent rapid testing and masking as this offends their conscientiously held beliefs in a matter that is more than trivial or substantial.
62. The Plaintiff and Class say that their *Charter* right to freedom of religion as protected under section 2(a) is violated by the Policy and Orders requiring attestation of being Fully Vaccinated or taking frequent rapid testing and masking as this offends their sincerely held religious beliefs in a manner that is more than trivial or substantial.
63. The Plaintiff and Class say that their right to life interest as protected under section 7 of the *Charter* is violated by the Policy and Orders requiring attestation of being Fully Vaccinated or taking frequent rapid testing and masking as it is the direct result of state action imposing an increased risk of death or harm not in accordance with the fundamental principles of justice.
64. The Plaintiff and Class say that their right to liberty under section 7 of the *Charter* is violated by the Policy and Orders requiring attestation of being Fully Vaccinated or taking frequent rapid testing and masking as this interferes with the protected sphere of personal autonomy involving private choices and the right to refuse medical treatment. The Policy and Orders are state interference that is not in accordance with the principles of fundamental justice.
65. The Plaintiff and Class say that their right to security of the person interest protected under section 7 of the *Charter* is violated by the Policy and Orders requiring attestation of being Fully Vaccinated or taking frequent rapid testing and masking as this interferes with personal autonomy, and one's ability to control their own physical or psychological integrity. Such state action that seriously impairs their physical health and has caused severe psychological harm that is not in accordance with the principles of fundamental justice. It has also caused the

deprivation of economic rights fundamental to human survival that are not in accordance with the principles of fundamental justice.

66. The Plaintiff and Class say that their privacy rights protected by sections 7 and 8 are violated by the Policy and Orders requiring attestation of being Fully Vaccinated or taking frequent rapid testing as they require the disclosure of personal medical information.
67. The Plaintiff and Class claim discrimination, in violation of equality rights under section 15 of the *Charter* by the Policy and Orders requiring attestation of being Fully Vaccinated or taking frequent rapid testing. Being forced to either attest, rapid test, or be put on unpaid leave of absence under the threat of discipline or termination is discrimination based on medical status.
68. The Policy and Orders violate the Plaintiff's and Class' *Charter* rights and punishes them for the lawful exercise of their fundamental constitutional rights and freedoms.
69. The Policy and Orders are not demonstrably justified under section 1 of the *Charter*. They are not in the public interest, nor a rational means to pursue the stated objective as there is no evidence to show that terminating the employment of those who do not attest to being vaccinated, take regular testing, or wear a mask reduces the spread of COVID-19. The Policy and Orders do not cause minimal impairment to the rights of the Plaintiff and Class. Further, the deleterious and negative impacts of the Policy and Orders are disproportionate to the minimal or non-existent benefits it may have.
70. The Policy and Orders fail the test for legitimate workplace policy, as it is inconsistently applied and unreasonable.
71. The Policy and Orders further violate s. 9(1), 9(2)(d), 9(2)(j), 9(2)(k), 9(2)(m), 9(3), 13, 14(1), 14(2)(a),(b),(c),(d),(e),(f), 14(4), 14(5), 14(6), 14(12), 15(1) and 19(1) of the *Manitoba Human Rights Code*.
72. The Policy and Orders breach the Plaintiff's and Class' express or implied contracts with the WPS and the Winnipeg Police Association. No reasonable interpretation of these contracts can create a requirement to be physically assaulted or to obtain a medical treatment below the minimum medical standard of informed consent as a condition of employment. Such an interpretation, if made, would render the contract for an illegal or immoral purpose not enforceable by law.
73. The Policy and Orders are unethical, unlawful, and discriminatory in both their purpose and effect upon the Plaintiff and Class.
74. The Policy and Orders effectively subject the Plaintiff and Class to the Pfizer and Moderna mRNA vaccines, which are unproved, unsafe, and with undetermined long-term side effects and therefore violates the CPSM's standards of Practice on informed consent.
75. With respect to the demand for the Plaintiff's and Class' vaccination status, the Policy and Orders breach the *Freedom of Information and Protection of Privacy Act*, in that they are devoid of the source of legal authority for the collection of the information or the contact information of any member or employee of the Defendants who can answer individuals' questions about the collection.

76. The collection of one's vaccine status is not confidential under the Policy or Orders as the minute an employee is placed on unpaid leave or required to wear a mask, when the Fully Vaccinated are not, their status is immediately apparent.

### **Criminal Assault**

77. Forcing a medical intervention on employees under threat of loss of livelihood is a clear violation of the *Criminal Code of Canada* ("CCC") which states in part:

265(1) A person commits an assault when

(a) Without consent of another person he applies force intentionally to the person directly or indirectly...

265(3) For the purposes of this Section, **no consent** is obtained where the complainant submits or does not resist by reason of...

(d) The exercise of authority. [emphasis added]

78. Forcing employees to be vaccinated or take invasive rapid testing under threat of loss of livelihood is a violation of the CCC. Every member of WPS who supports the Policy or Orders supports the criminal assault of his or her fellow employees and coworkers.

### **Duty of Persons Directing Work**

79. The CCC imposes a duty on all organizations and individuals directing the work of others in Canada to take reasonable steps ensuring the safety of their workers. The CCC states:

217.1 Every one who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.

80. The experimental nature of the Canadian COVID injection program was evident from the outset. The Astra-Zeneca shot was withdrawn from circulation in Canada because it caused thrombosis in 1 out of 58,000 citizens over the age of 80. That shot was then mixed and matched with Pfizer and Moderna injections, without adequate research having been done as to possible adverse effects.
81. The recent admissions that the Pfizer and Moderna shots are clearly linked to myocarditis in 18 to 24 year-olds. Further evidence has emerged that those previously infected with COVID-19 are at increased risk of harm from subsequent mRNA "vaccines", including myocarditis.
82. By forcing its loyal employees to take experimental injections as a requisite to employment, WPS has breached its legal duty to take reasonable steps to prevent bodily harm to its Employees contrary to section 217.1 of the CCC.
83. The same is true for the COVID-19 tests which have unknown impacts on those being tested, resulting in the Plaintiffs being forced to be exposed to toxins each and every time they are tested against their will.

**Wilful Promotion of Hatred**

84. The Plaintiff and Class were placed on an involuntary unpaid leave of absence on 15 November 2021 or on their first scheduled shift following the 15<sup>th</sup> and are being held up to public opprobrium, ridicule, hatred, maltreatment, discrimination, detestation, contempt, enmity, extreme ill will, denigration, abuse, or delegitimization on the basis of their vaccine status. This violates s.319(2) of the CCC.

**D. CHARTER VIOLATION DAMAGES AND AGGRAVATED, PUNITIVE AND "BAD FAITH" DAMAGES**

85. The Plaintiff and Class have suffered significant mental anguish as a result of the rapidly evolving situation. They are left to contemplate whether or not they will have the funds available to meet their basic needs, including the purchase of food, clothing, and shelter for themselves and their families as a result of the Policy and Orders.
86. The Plaintiff and Class claim punitive damages for the prejudice suffered by them and their families as a result of the implementation of the Policy and Orders, which are discriminatory. The Plaintiff and Class reserve their rights to amend the amounts claimed for punitive damages to account for future economic losses, including but not limited to loss of income due to suspension or dismissal as a result of their refusal to comply with the Policy and Orders.
87. In addition to damages for *Charter* violations, the Defendants are liable for further aggravated and punitive damages stemming from the unduly harsh, insensitive manner in which it conducted itself (*Honda Canada Inc v Keays*, [2008] 2 SCR 362).
88. The Plaintiff and Class have suffered measurable damages, including mental distress, anxiety, and, in particular, injury to dignity and self-respect. The Plaintiff and Class are therefore entitled to significant damages due to the manner in which WPS treated them and threatened them with unemployment, including a claim for punitive aggravated damages arising from flagrant human rights and *Charter* violations.
89. Scientific data shows that the COVID-19 virus poses no serious health risk to 99.97% of Canadians, and that nearly all deaths directly attributable to the virus occur in persons over 80 years of age suffering from multiple co-morbidities and compromised immune systems. Such persons are not part of the Canadian workforce. The risk of serious illness or death to persons under the age of 60, which includes the majority of the Class, remains vanishingly low.
90. The best scientific data available shows that there is but a 0.7% risk of asymptomatic spread of the COVID-19 virus—even among persons living in the same household.
91. There is no scientific data to support the conclusion that the COVID-19 vaccines have had any impact upon reducing the spread of the virus. In fact, Israel is the most universally vaccinated nation in the world, and yet is experiencing a huge spike in new cases.



92. As a result of these breaches, the Plaintiff and Class have suffered the following damages:
- a. Severe and permanent psychological, physical and/or emotional trauma;
  - b. Loss of employment opportunities;
  - c. Loss of future earnings;
  - d. Worsening physical health because of inadequate medical support;
  - e. Threats and assaults;
  - f. Loss of sleep;
  - g. Loss of trust in others;
  - h. Loss of self-confidence;
  - i. Loss of income;
  - j. Loss of opportunity for future income;
  - k. Post-traumatic stress disorder; and/or
  - l. Other such damages as will be proven at the trial of this action.
93. The Defendants actively, knowingly, and willfully participated in harming the Plaintiff and Class. The Defendants' conduct was high handed and improper.
94. The Plaintiff and Class plead and rely on the following provisions:
- a. *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitutional Act*, 1982, being Schedule B to the *Canada Act 1982 (UK)*, 1982 c11;
  - b. *Freedom of Information and Protection of Privacy Act*, c F-25;
  - c. *Personal Health Information Act*, RSA 2000, c H-7;
  - d. *Human Rights Code (Manitoba)*;
  - e. *The Class Proceedings Act*, CCSM c. C130
  - f. *Criminal Code of Canada*, RSC 1985, c. C-46 s. 319(2); and
  - g. Any further and such legislation as may become relevant during the trial of this action.
95. The Plaintiff proposes that the trial of this action take place in Winnipeg.
96. The Plaintiff states that the trial will take no longer than twenty-five (25) days.

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