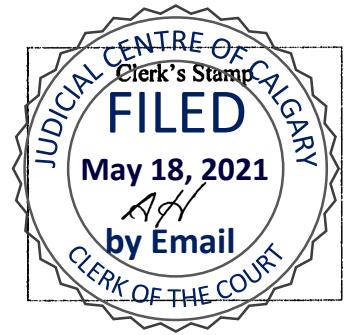


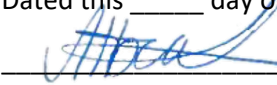
COURT FILE NUMBER 2101 05742
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
APPLICANT ALBERTA HEALTH SERVICES
RESPONDENTS CHRISTOPHER SCOTT, WHISTLE STOP (2012) LTD., GLEN CARRITT, JOHN DOE(S), JANE DOE(S)



501871

DOCUMENT **MAY 6, 2021 ORDER AS AMENDED ON MAY 13, 2021**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT **Alberta Health Services**
Legal & Privacy
Suite 500, North Tower
Seventh Street Plaza
10030 – 107 Street
Edmonton, AB T5J 3E4
Telephone: (780) 735-1198
Facsimile: (780) 735-1400

I hereby certify this to be a true copy of the original ORDER
Dated this 18 day of May, 21021

for Clerk of the Court

DATE ON WHICH ORDER WAS PRONOUNCED: May 13, 2021
NAME OF JUSTICE WHO MADE THIS ORDER: Associate Chief Justice Rooke
LOCATION OF HEARING: Calgary, Alberta

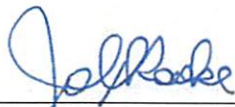
UPON THE WITHOUT NOTICE APPLICATION of the Applicant, Alberta Health Services (“AHS”) brought pursuant to the *Public Health Act*, RSA 2000, c P-37 (the “*Public Health Act*”); **AND UPON** reviewing the Bench Brief provided by AHS, filed on May 6, 2021; **AND UPON** reviewing the affidavit of Dave Brown filed on May 6, 2021, and the affidavit of Dr. Deena Hinshaw filed on May 6, 2021; **AND UPON** hearing submissions from Counsel for AHS; **AND UPON** noting the Application of Mr. Christopher Scott and Mr. Glen Carritt, unfiled, to set aside or otherwise vary the court order issued by Associate Chief Justice Rooke on May 6, 2021 in these proceedings (the “May 6 Order”); **AND UPON** recognizing there was a gap in the May 6 Order regarding the detention of alleged contemptors; **AND UPON** noting the consent of Counsel for the Justice Centre for Constitutional Freedoms, a proposed intervenor; **AND UPON** noting no objection from Counsel for Mr. Christopher Scott and Mr. Glen Carritt; to the amendments requested by Counsel for the Justice Centre for Constitutional Freedoms and recommended by the Court;

IT IS HEREBY ORDERED THAT:

1. The Application by Mr. Christopher Scott and Mr. Glen Carritt to set aside the May 6 Order, is adjourned *sine die* without prejudice to the issues raised in the hearing *de novo* of the injunction under Rule 9.15 and objections raised by Counsel for Mr. Christopher Scott and Mr. Glen Carritt that the Order be set aside for procedural reasons.
2. The named individual Respondents and any other person acting under their instructions or in concert with them and with Notice of this Order, shall be restrained anywhere in Alberta from:
 - a. organizing an in-person gathering, including requesting, inciting or inviting others to attend an “Illegal Public Gathering”;
 - b. promoting an Illegal Public Gathering via social media or otherwise;
 - c. attending an Illegal Public Gathering of any nature in a “public place” or a “private place”, which each have the same meaning as given to them in the Public Health Act.
3. For the purposes of this Order, an “Illegal Public Gathering” is one that does not comply with the requirements in the current CMOH Orders, including but not limited to:
 - a. the masking requirements;
 - b. the attendance limits applicable to indoor or outdoor gatherings; and
 - c. minimum physical distancing requirements.
4. Any member of any Police Service, as defined in the *Police Act*, RSA 2000, c P-17, or any peace officer as defined in the *Criminal Code*, RSC 1985, c C-46 (collectively, “Law Enforcement”) is authorized to use reasonable force in arresting and removing any person who has notice of this Order and whom Law Enforcement has reasonable and probable grounds to believe is contravening this Order. Upon arresting any person pursuant to this Order, Law Enforcement may detain such person until they may be dealt with in accordance with this Order.
5. Any member of Law Enforcement who arrests, detains, or removes any person pursuant to this Order (hereinafter, the “Offending Party”), is authorized to:
 - a. bring the Offending Party, as soon as possible, before a Justice of the Court of Queen's Bench of Alberta, and the Offending Party will be required to show any

reason why there should be no finding of Civil Contempt at a hearing before a Justice of the Court of Queen's Bench;

- b. issue a summons that requires the Offending Party to appear before a Justice of the Court of Queen's Bench of Alberta, as soon as possible, and the Offending Party will be required to show any reason why there should be no finding of Civil Contempt at a hearing before a Justice of the Court of Queen's Bench; or
 - c. release the Offending Party from arrest upon that person agreeing in writing to undertake to both:
 - i. appear in person before a Justice of the Court of Queen's Bench of Alberta at such a time and place as may be fixed for the purpose of being proceeded against for contempt of court, or for fixing a date for such a proceeding; and,
 - ii. obey this Order.
6. This Order is sufficient authority for the keeper of a correctional institution to receive and detain the Offending Party into custody and safely keep that person pending appearance before a Justice of the Court of Queen's Bench.
 7. A person shall be deemed to have Notice of this Order if that person is shown a copy of the Order or if it is read to them.
 8. An undertaking as to damages is not required from the Applicant.
 9. The provisions of this Order are additional to and do not derogate from:
 - a. any powers of Law Enforcement, including but not limited to their powers under the *Criminal Code* and/or any applicable provincial legislation; and
 - b. any active Records of Decision of the Chief Medical Officer of Health of Alberta.
 10. Rule 9.4(2)(c) is invoked.


 Honourable John Rooke, Associate Chief Justice
 Court of Queen's Bench of Alberta

May 18, 2021