

COURT FILE NUMBER 2401 05557
COURT **COURT OF KING'S BENCH OF ALBERTA**
JUDICIAL CENTRE CALGARY
PLAINTIFF CARRIE SAKAMOTO
(RESPONDENT)
DEFENDANT(S) ATTORNEY GENERAL OF CANADA AND HIS
(APPLICANT(S)) MAJESTY THE KING IN RIGHT OF ALBERTA
DOCUMENT **APPLICATION BY THE ATTORNEY
GENERAL OF CANADA**
ADDRESS FOR Attorney General of Canada
SERVICE AND Department of Justice Canada
CONTACT Prairie Region, Edmonton Office
INFORMATION OF Lawyer in charge of the file: Christine Ashcroft
PARTY FILING THIS 300, 10423 – 101 Street NW, Edmonton, AB T5H 0E7
DOCUMENT E-mail: [REDACTED]
Telephone: [REDACTED]
Facsimile: (780) 495-8491

Clerk's Stamp

NOTICE TO RESPONDENT: CARRIE SAKAMOTO

This application is made against you. You are a Respondent. You have the right to state your side of this matter before the Judge.

To do so, you must be in Court when the application is heard as shown below:

Date: To be determined

Time: To be determined

Where: Calgary - Calgary Courts Centre, 601-5 Street SW, Calgary, AB T2P 5P7

Before: Justice Dilts, case management justice

Go to the end of the document to see what else you can do and when you can do it.

REMEDY CLAIMED OR SOUGHT:

1. An Order pursuant to Rule 3.68 of the *Alberta Rules of Court*, striking the Statement of Claim as against the Attorney General of Canada;
2. An Order directing the Plaintiff to pay the costs of this Application and the Action to the Attorney General of Canada; and

3. Such further and other relief as this Honourable Court deems just and necessary.

GROUND FOR MAKING THIS APPLICATION:

4. It is plain and obvious that the Statement of Claim (“Claim”) discloses no reasonable cause of action against the Attorney General of Canada (representing HMTK in right of Canada) in
 - a) Negligence;
 - b) negligent misrepresentation;
 - c) misfeasance in public office;
 - d) conspiracy;
 - e) breach of fiduciary duty; or
 - f) on any other basis.
5. Second, the Claim is frivolous, irrelevant and improper, or amounts to an abuse of process because it fails to give the material facts and particulars required pursuant to Rules 13.6 of the *Alberta Rules of Court*; and,
6. Such further grounds as counsel may advise and this Honourable Court may permit.

MATERIAL OR EVIDENCE TO BE RELIED ON:

7. The pleadings filed in the within action;
8. Written Submissions of the Attorney General of Canada, to be filed
9. Such further and other material as counsel may advise and this Honourable Court may permit.

APPLICABLE RULES:

10. Rules 1.2, 3.68, and 13.6 of the *Alberta Rules of Court*, AR 124/2010.

APPLICABLE ACTS AND REGULATIONS:

11. *Food and Drugs Act*, RSC 1985, c F-27, section 30.1
12. *Department of Health Act*, SC 1996, c 8, sections 2, 4, 11.1
13. *Public Health Agency of Canada Act*, SC 2006, c 5, sections 3 to 7

14. *Food and Drug Regulations*, CSC, c 870, sections C.08.002(2)(a) to C.08.002(n) and C.08.002(2.1) to C.08.002(3)
15. *Regulations Amending the Food and Drug Regulations (Interim Order Respecting the Importation, Sale and Advertising of Drugs for Use in Relation to COVID-19)*, [SOR/2021-45](#)
16. *Interim Order Respecting the Importation, Sale and Advertising of Drugs for Use in Relation to COVID-19*, C Gaz I, 2542-2556 (Repealed), in force from September 16, 2020 to September 16, 2021
17. *Crown Liability and Proceedings Act*, RSC 1985, c C-50, sections 3, 10

ANY IRREGULARITY COMPLAINED OF OR OBJECTION RELIED ON:

18. None.

HOW THE APPLICATION IS PROPOSED TO BE HEARD OR CONSIDERED:

19. In Chambers before the case management judge in this matter, Justice Dilts.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.