

*Courts of Justice Act*

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**RANDY HILLIER**

Applicant

-and-

**HIS MAJESTY THE KING IN RIGHT  
OF THE PROVINCE OF ONTARIO**

Respondent

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**AFFIDAVIT OF DR. THOMAS WARREN**

**SWORN THE 14 DAY OF DECEMBER, 2022**

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I, Dr. Thomas Warren, of the Town of Oakville, in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I have personal knowledge of the facts and matters hereinafter deposed to by me, except where same are stated to be based upon information and belief, and those I do verily believe to be true.
2. Attached as **Exhibit "A"** hereto, is a copy of a report authored by me, which sets out the information and assumptions on which my reply to the Respondent's expert Reports is based and is a summary of my opinion.

SWORN REMOTELY by videoconference by )  
 Dr. Thomas Warren at the Town of Oakville, )  
 in the Province of Ontario, before me at the )  
 City of Brampton, in the Province of Ontario, )  
 this 14 day of December, 2022 in accordance )  
 with O.Reg. 431/20 Administering Oath or )  
 Declaration Remotely )



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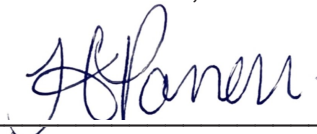
**HENNA PARMAR**  
Barrister & Solicitor



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**DR. THOMAS WARREN**

This is **Exhibit "A"** referred to in the  
Affidavit of **Dr. Thomas Warren**  
sworn before me virtually this 14th day  
of December, 2022.

A handwritten signature in blue ink, appearing to read "H. Panen", is written above a horizontal line.

Barrister and Solicitor in the  
Province of Ontario

## Reply Report of Dr. Thomas Warren

I was asked to respond to the report of Dr. Matthew Hodge, specifically paragraphs 42 and 43.

Dr. Hodge mischaracterizes my evidence as saying that SARS-CoV-2 has “identical transmission characteristics as tuberculosis and influenza”. I did not state that SARS-CoV-2 has “identical transmission” to TB and influenza. I also did not compare the clinical diseases caused by SARS-CoV-2, influenza and TB. What I did state, in fact, was that other important respiratory infections (including TB and influenza) do have *some* relevance to how we think about SARS-CoV-2.

Dr. Hodge refers to the precautionary principle in paragraph 42, implying that SARS-CoV-2 could be considered, possibly, to have significant outdoor transmission based on the precautionary principle. The precautionary principle cannot be an ungrounded abstraction. Application of the precautionary principle has to be grounded in pre-existing knowledge, as limited as that knowledge might be; otherwise, the precautionary principle can be weaponized to justify anything. This is where discussion of TB and influenza is actually very relevant.

In early 2020, at the very start of the pandemic, we knew that COVID-19 was caused by a novel coronavirus. So, in early 2020, when contemplating the potential risk of SARS-CoV-2 being transmitted outdoors, it should be considered in the context of what is known about outdoor transmission of human respiratory tract infections at that time.

This is what was known in early 2020:

There was no evidence that other *coronaviruses* (MERS-CoV, SARS-CoV-1; four seasonal coronaviruses) had significant outdoor transmission.

There was no evidence that other *respiratory viruses* (including influenza) had significant outdoor transmission.

There was no evidence that other *respiratory infections* (including TB) had significant outdoor transmission.

It was well known that all important *respiratory infections* (including TB, influenza and coronaviruses) were transmitted primarily in indoor contexts (e.g. household, school, work) where there was close contact.

That knowledge is what should have informed any application of the precautionary principle. Outdoor transmission of SARS-CoV-2 is insignificant compared to indoor transmission, as it is for all other respiratory tract infections in humans, and that should have been expected.

**RANDY HILLIER.**

and

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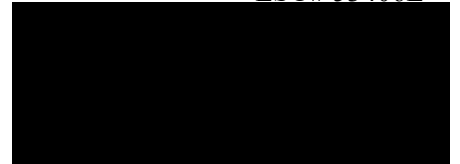
**Court File No.: CV-22-00682682-0000**

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at TORONTO

**AFFIDAVIT OF DR. THOMAS WARREN  
(REPLY)**

**SAYEH HASSAN**  
LSO# 53406E



**HENNA PARMAR**  
LSO#: 79119E



**CHRIS NAIMI**  
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