

File No. CI 20-01-29284

THE QUEEN'S BENCH
Winnipeg Centre

APPLICATION UNDER: *The Constitutional Questions Act, C.C.S.M., c. 180*

AND UNDER: The Court of Queen's Bench Rules, M.R. 553/88

IN THE MATTER OF: *The Public Health Act, C.C.S.M. c. P210*

BETWEEN:

GATEWAY BIBLE BAPTIST CHURCH, PEMBINA VALLEY BAPTIST CHURCH, REDEEMING GRACE BIBLE CHURCH, THOMAS REMPEL, GRACE COVENANT CHURCH, SLAVIC BAPTIST CHURCH, CHRISTIAN CHURCH OF MORDEN, BIBLE BAPTIST CHURCH, TOBIAS TISSEN, DJ'S FAMILY RESTAURANT, LYLE NEUFELD, HELEN NEUFELD, ROSS MACKAY

Applicants,

– and –

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF MANITOBA and DR. BRENT ROUSSIN in his capacity as CHIEF PUBLIC HEALTH OFFICER OF MANITOBA,

Respondents.

AFFIDAVIT OF DALE WOHLGEMUTH
AFFIRMED DECEMBER 14, 2020

JUSTICE CENTRE FOR CONSTITUTIONAL FREEDOMS
Allison Kindle Pejovic / Jay Cameron



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Respondents.

AFFIDAVIT OF DALE WOHLGEMUTH

I, Dale Wohlgemuth of the Town of Landmark, in the Province of Manitoba,

MAKE OATH AND SAY AS FOLLOWS:

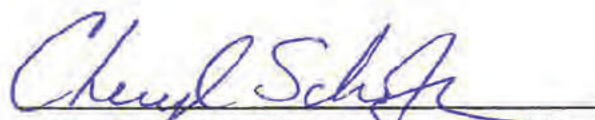
1. I have personal knowledge of the facts and matters hereinafter deposed to by me, except where same are stated to be based upon information and belief, and those I do verily believe to be true.


2. On September 21, 2020, I sent an email entitled "Masks and PCR tests" to the following individuals at the Manitoba Government: Premier Brian Pallister, Bob Lagasse, Kelvin Goertzen and Dr. Brent Roussin. A copy of that email is attached hereto and marked as **Exhibit "A"**. A portion of the email has been redacted to protect my personal contact information.

3. On November 5, 2020, I received an email in response to my September 21, 2020 email (as described above) from Leanne Niville, Administration Officer, Transition Division of the Department of Health, Seniors and Active Living. Her email attached a letter addressed to me from Tom Ormiston, Assistant Deputy Minister of Transition Division, Department of Health, Seniors and Active Living. A copy of that email and its attached letter is attached hereto and marked as **Exhibit "B"**. A portion of the email has been redacted to protect my personal contact information.

4. I make this affidavit *bona fide*.

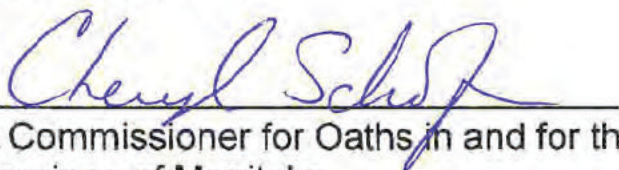
AFFIRMED before me in the City of)
Winnipeg, in the Province of)
Manitoba, this 14th day of)
December, 2020.)


Commissioner for Oaths in and for)
the Province of Manitoba)


DALE WOHLGEMUTH)

My Commission Expires: July 28, 2021

This is Exhibit "A" referred to in the
affidavit of DALE WOHLGEMUTH
affirmed before me this 14th day of
December, 2020.

A handwritten signature in blue ink, reading "Cheryl Schopf", is written over a horizontal line.

A Commissioner for Oaths in and for the
Province of Manitoba.

My Commission Expires: July 28, 2021

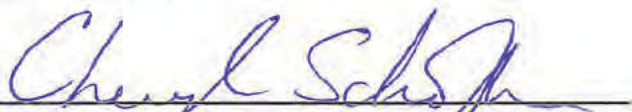
From: Dale Wohlgemuth <[REDACTED]>
Date: September 21, 2020 at 3:39:42 AM CDT
To: Brian Pallister <[REDACTED]>, Bob Lagasse <[REDACTED]>, Kelvin Goertzen <[REDACTED]>
Subject: Masks and PCR tests

I hear a lot of media pushing for a mask mandate for the public. Currently there are eleven people in Manitoba hospitals with Covid. Two of those in Winnipeg where cases are growing. This is statistically insignificant. Show leadership and common sense for a change. Dr Roussin can you explain the PCR test protocols and what cycles are being used?

Thanks

Dale Wohlgemuth
[REDACTED]
Sent from my iPhone

This is Exhibit "B" referred to in the
affidavit of DALE WOHLGEMUTH
affirmed before me this 14th day of
December, 2020.

A handwritten signature in blue ink, appearing to read "Cheryl Schep", written over a horizontal line.

A Commissioner for Oaths in and for the
Province of Manitoba.

My Commission Expires: July 28, 2021

From: "+WPG1244 - ADMO Transition (HSAL)" <[REDACTED]>

Date: November 5, 2020 at 3:24:48 PM CST

To: [REDACTED]

Subject: Masks and PCR tests

Good afternoon. The attached response is being sent on behalf of Tom Ormiston, Assistant Deputy Minister of Transition Division, Department of Health, Seniors and Active Living.

Thank you.

*Leanne Neville
Administrative Officer
Transition Division*

-----Original Message-----

From: Dale WohlGemuth

Sent: September 21, 2020 3:40 AM

Subject: Masks and PCR tests

I hear a lot of media pushing for a mask mandate for the public.

Currently there are eleven people in Manitoba hospitals with Covid. Two of those in Winnipeg where cases are growing. This is statistically insignificant.

Show leadership and common sense for a change.

Dr Roussin can you explain the PCR test protocols and what cycles are being used?

Thanks

Dale WohlGemuth

[REDACTED]
Sent from my iPhone



November 3, 2020

Dale Wohlgemuth

Email: [REDACTED]

Dear Dale Wohlgemuth:

Your email regarding PCR test protocols and what cycles are being used during the COVID-19 pandemic has been referred to me for response on behalf of Health, Seniors and Active Living Minister Cameron Friesen.

Thank you for sharing your concerns. Actions taken by the Manitoba government are carefully assessed and informed by expert advice. Please be assured that provincial public health officials are constantly monitoring the risks and threats to Manitobans posed by COVID-19, and will continue to do so to inform Manitoba's phased approach to pandemic and economic recovery.

Laboratories in Manitoba, including Cadham Provincial Laboratory, testing Manitobans suspected of having COVID-19 use a sensitive molecular method to detect the genetic material of SARS-CoV-2, the cause of COVID-19. The genetic signal is doubled approximately 40 times. Those samples with no detectable SARS-CoV-2 after 40 cycles are considered negative. Those samples with less than 40 cycles are considered positive. The number of cycles at which a sample becomes positive is called the cycle threshold or Ct value. Though samples with higher Ct values have less virus, they still represent a true positive. It is important to use approximately 40 cycles to ensure that all Manitobans with COVID-19 are identified so they receive the best care and minimize the spread of COVID-19 in the province.

The government is taking the necessary proactive steps to respond to the COVID-19 pandemic. We are committed to providing up-to-date information to all Manitobans at manitoba.ca/covid19/, which is being continuously updated as the situation evolves.

Sincerely,

Tom Ormiston
Assistant Deputy Minister

c The Honourable Brian Pallister, Premier
Honourable Cameron Friesen