

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 ROGER THOMAS**  
**AFFIRMED JANUARY 6, 2021**

---

**JUSTICE CENTRE FOR CONSTITUTIONAL FREEDOMS**  
**Allison Kindle Pejovic / Jay Cameron**



**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 ROGER THOMAS**

I, Roger Thomas, of the City of Winnipeg, in the Province of  
Manitoba,

MAKE OATH AND SAY AS FOLLOWS:

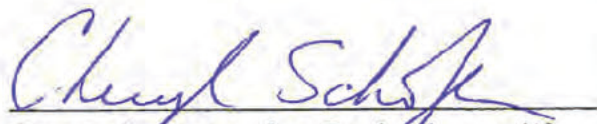
1. I have personal knowledge of the facts and matters hereinafter  
deposed to by me, except where same are stated to be based upon  
information and belief, and those I do verily believe to be true.

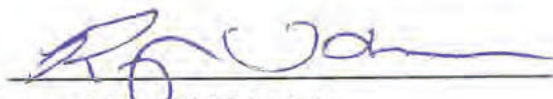
2. I am a Manitoba resident and have been a Manitoba resident for 51 years. I am employed as a social worker.

3. On December 7, 2020, I sent an email entitled "Inquiry" to the Manitoba provincial Cadham Lab. Later that day, I received an email in response to my email from Paul Van Caesele, Medical Director at Cadham Lab. A copy of those emails are attached hereto and marked as Exhibit "A".

4. I make this affidavit *bona fide*.

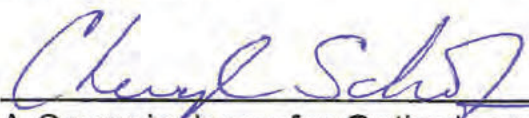
AFFIRMED before me in the City of )  
Winnipeg, in the Province of )  
Manitoba, this 4 day of January, )  
2021. )

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

  
ROGER THOMAS

My Commission Expires: July 28/21

This is Exhibit "A" referred to in the  
affidavit of Roger Thomas  
affirmed before me this 6 day of  
January, 2021.



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

My Commission Expires: July 28/21

**From:** Roger Thomas

**Sent:** Monday, December 7, 2020 12:51 PM

**To:** [REDACTED]

**Subject:** inquiry

Hello,

I am requesting information on what is the cycle threshold value that your lab uses in the RT-PCR tests for Covid-19.

Thank you,

Roger Thomas

Sent from my BlackBerry — the most secure mobile device — via the Bell Network

**From:** [REDACTED]  
**Sent:** December 7, 2020 4:12 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** cycle threshold

Hello Mr. Thomas,

I received your questions about cycle thresholds we use for COVID-19. Our methods are standardized nationally or are provided by commercial suppliers. In all cases, the test goes up to 40 cycles of amplification, and in one commercial method goes up to 45 cycles of amplification. It very much depends on the method used at what point we stop calling a specimen positive, but, essentially, if we can reliably and reproducibly detect a signal up to 40 cycles then a specimen will be called positive. For one of our methods we must confirm anything that meets threshold above 36.5 cycles.

**Paul Van Caesele, MD FRCPC**  
Medical Director, Cadham Provincial Laboratory

**Administrative Support:** Charmaine Cornelio [REDACTED]

**Confidentiality Notice:** This message and any attachment to it are intended for the addressee only and may contain legally privileged or confidential information. Any unauthorized use, disclosure, distribution, or copying is strictly prohibited. Please notify the sender if you have received this E-mail by mistake, and please delete it and the attachments (and all copies) in a secure manner. Thank you.

**Message de confidentialité :** Ce message et tout document dans cette transmission est destiné à la personne ou aux personnes à qui il est adressé. Il peut contenir des informations privilégiées ou confidentielles. Toute utilisation, divulgation, distribution ou copie non autorisée est strictement défendue. Si vous n'êtes pas le destinataire de ce courriel, veuillez en informer l'expéditeur et effacer l'original (et toutes les pièces jointes) de manière sécuritaire. Merci.



Please, only print this email if necessary