

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, ROSS MACKAY**

Applicants,

– and –

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

Respondents.

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**AFFIDAVIT OF ROSS MACKAY**  
**AFFIRMED APRIL 1, 2021**

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**JUSTICE CENTRE FOR CONSTITUTIONAL FREEDOMS**  
**D. Jared Brown / Allison Kindle Peiovic / Jay Cameron**



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CHRISTIAN CHURCH OF MORDEN, BIBLE BAPTIST CHURCH,  
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Respondents.

**AFFIDAVIT OF ROSS MACKAY**

I, Ross MacKay 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 write this affidavit in response to the affidavits filed by the Respondents.
3. I was surprised when I read about the provincial mental health programs cited in Mr. Komlodi's affidavit, such as online counselling, a help line and online recreational activities. I had never heard of any of them. The Respondents never reached out to me to offer counselling or any other support for my inability to have my daughter fly home to see me for Christmas, to have unrestricted visits with friends and family, or to peacefully protest these restrictions with more than a couple of other people who have similar concerns about the Public Health Orders.
4. I believe that in order for me to get through these stressful times, family support is critical. I will respect people who want to live in their basements, but I would rather have liberty and freedom. My own review of the data on Covid-19 and its primary threat to the elderly and immunocompromised is a factor that I, as a rational and thinking person, has a right to weigh when I determine how I should behave. I do not believe that two hours of free online counselling will help me to overcome the stress and anxiety that these restrictions are causing me. I believe that being able to enjoy my life again, without restrictions on gatherings and expression, will be far more effective in ending my despair than two hours of online counselling, calling a help line, or doing online recreation.

5. All of this impersonal contact with people over devices only adds to my frustration and distress. I went to the hospital over the Christmas holidays because I thought I was having a heart attack. I feel immense stress and anxiety over these Public Health Orders, and there is nothing I want more than for things to go back to normal.

6. I make this affidavit *bona fide*.

**SWORN** before me in the City )  
of Winnipeg, in the Province )  
of Manitoba, this 1st day of )  
April, 2021 )

*Cheryl Schopf* )  
A Commissioner of Oaths in and )  
for the Province of Manitoba )  
My Commission expires: *July 28/21* )

*Ross Mackay*  
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ROSS MACKAY