

COURT FILE NUMBER

COURT

COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTER

CALGARY

PLAINTIFFS

ARTUR PAWLOWSKI
DAWID MARCIN PAWLOWSKI

DEFENDANTS


HIS MAJESTY THE KING IN RIGHT OF ALBERTA
ATTORNEY GENERAL OF CANADA
ALBERTA HEALTH SERVICES
MARK NEUFELD IN HIS CAPACITY AS CHIEF OF
POLICE OF THE CITY OF CALGARY POLICE SERVICE
CALGARY POLICE SERVICE
THE CITY OF CALGARY
CANADA POST CORPORATION
JOHN/JANE DOE CPS OFFICERS
JOHN/JANE DOE RCMP MEMBERS
JOHN/JANE DOES I
JOHN/JANE DOES II
AAA GOVERNMENT ORGANIZATIONS
BBB COMPANIES LIMITED



DOCUMENT

STATEMENT OF CLAIM

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

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 WILLIAMSON LAW
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FILE NO.

01243C-CW & 01244C-CW

NOTICE TO DEFENDANT(S):

You are being sued. You are a defendant.

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

Statement of facts relied on:**OVERVIEW**

1. The Plaintiffs sue the Defendants, and each of them, for egregiously violating the constitutional and civil rights of the Plaintiffs, among other things.

PARTIES

2. The Plaintiff, Artur Pawlowski ("**Artur**"), is an individual ordinarily residing in Calgary, in the Province of Alberta. Artur is a pastor with Street Church Evangelism Ministries International Foundation ("**Street Church**"). Artur is a strong and devoted member of the wider Calgary community who has worked tirelessly for more than two decades offering pastoral and ministerial services for the people of Calgary and Alberta, including feeding and advocating for Calgary's homeless community, among other community and religious services.
3. The Plaintiff, Dawid Marcin Pawlowski ("**Dawid**"), is an individual ordinarily residing in Calgary, in the Province of Alberta, and is the brother of Artur. Dawid is an assistant pastor with Street Church and has worked tirelessly with Artur for more than two decades offering pastoral and ministerial services for the people of Calgary and Alberta, including feeding and advocating for Calgary's homeless community, among other community and religious services.
4. Artur and Dawid (collectively the "**Plaintiffs**" or the "**Pawlowskis**") have been attending, organizing, and administering the Street Church in Calgary for over 20 years.
5. The Defendant, His Majesty the King in Right of the Province of Alberta ("**Alberta**"), is the legal designation representing the Provincial Government of Alberta as a juridical entity. In civil legal proceedings, Alberta represents the interests and positions of the provincial government, Crown bodies, and other administrative and executive entities, which includes but is not limited to Alberta's Minister of Infrastructure ("**Alberta (Minister of Infrastructure)**"). Alberta (Minister of Infrastructure) is the registered owner of the lands and buildings of both the Calgary Remand Centre and the Edmonton Remand Centre. Alberta is vicariously liable for the acts, omissions, and other unlawful conduct of the employees, staff, contractors, agents, and other delegates. Alberta is also the legal designation for the Crown Prosecution Service in Alberta and its employees, contractors, delegates, and agents; some of the acts, omissions, and unlawful conduct of which give rise to the claims described herein for which a remedy is being sought by the Plaintiffs.

6. The Defendant, Attorney General of Canada (the “**AGC**”), is the chief legal advisor to the Government of Canada and serves as the legal representative of the Federal Crown in all civil-legal matters. In civil legal proceedings, the AGC represents the interests and positions of the federal government and its entities, including the Royal Canadian Mounted Police (the “**RCMP**”), among others.
7. The Defendant, Alberta Health Services (“**AHS**”), is Alberta's Regional Health Authority under the *Regional Health Authorities Act*, RSA 2000, c R-10. AHS is the integrated delivery arm of all, or most, of health care in Alberta.
8. The Defendant, Mark Neufeld in His Capacity as Chief of Police of the City of Calgary Police Services (the “**Chief of Police**”), as far as is known to the Plaintiffs, was at all material times acting in accordance with the provisions of the *Police Act*, RSA 2000, c P-17, and the *Peace Officer Act*, RSA 2000, c P-3.5, as amended, any regulations thereunder, and otherwise. The Chief of Police is the senior-most official responsible for the oversight, administration, and operation of the Calgary Police Service.
9. The Defendant, Calgary Police Service (“**CPS**”), as far as is known to the Plaintiffs, is the municipal police service in Calgary, Alberta.
10. The Defendant, The City of Calgary (the “**City**”), so far as is known to the Plaintiffs, is a municipality in the Province of Alberta within the meaning of the *Municipal Government Act*, RSA 2000, c M-26 as amended, and was, at all material times, is responsible for, pursuant to legislation and otherwise, and contributed to the actions of the CPS as described elsewhere herein against the Plaintiffs, and otherwise through its own acts, omissions, and otherwise unlawful conduct. Further, and/or in the alternative, the City is vicariously liable for the acts, omissions, and otherwise unlawful conduct of CPS and/or their own employees, contractors, delegates, and/or agents.
11. The Defendant, Canada Post Corporation (“**Canada Post**”) is a body corporate incorporated pursuant to the provisions of the *Canada Post Corporation Act*, RSA 1985, c C-10 and is the general, government post and mail delivery and carrier service in Alberta and Canada.
12. The Defendants, John/Jane Doe CPS Officers, are an unknown number of individual officers with the CPS whose identities are presently unknown to the Plaintiffs.
13. The Defendants, John/Jane Doe RCMP Members, are an unknown number of individual members of the RCMP whose identities are presently unknown to the Plaintiffs.
14. The Defendants, John/Jane Does I, are all individuals who are employees, delegates, agents, investigators, members, officers, contractors, and/or affiliates of other Defendants herein, the identities of which are presently unknown to the Plaintiffs.
15. The Defendants, John/Jane Does II, are other individuals whose identities are presently unknown to the Plaintiffs.

16. The Defendants, AAA Government Organizations, are an unknown number of municipal, provincial, or federal government agencies and/or organizations, the identities of which are presently unknown to the Plaintiffs.
17. The Defendants, BBB Companies Limited, are an unknown number of bodies corporate registered pursuant to such relevant legislation as corresponds to their individual jurisdiction, the identities of which are presently unknown to the Plaintiffs.
18. As a group, the Defendants, the City, the Chief of Police, CPS, the RCMP as represented by the AGC, John/Jane Doe CPS Officers, John/Jane Doe RCMP Members, and John/Jane Does I, shall be hereinafter collectively referred to as the “**Police**”. For further and better clarity, hereinafter the descriptor of “Police” shall be interpreted to read and means “the City, the Chief of Police, CPS, the RCMP as represented by the AGC, John/Jane Doe CPS Officers, John/Jane Doe RCMP Members, and John/Jane Does I — jointly, inclusively, and collectively and/or separately, severally, and individually.”
19. As a group, the Defendants, Alberta, AGC, AHS, the Chief of Police, CPS, the City, Canada Post, John/Jane Doe CPS Officers, John/Jane Doe RCMP Members, John/Jane Does I, John/Jane Does II, AAA Government Organizations, and BBB Companies Limited, shall be hereafter collectively referred to as the “**Defendants**”. For further and better clarity, hereinafter the descriptor of “Defendants” shall be interpreted to read and means “Alberta, AGC, AHS, the Chief of Police, CPS, the City, Canada Post, John/Jane Doe CPS Officers, John/Jane Doe RCMP Members, John/Jane Does I, John/Jane Does II, AAA Government Organizations, and BBB Companies Limited — jointly, inclusively, and collectively and/or separately, severally, and individually.”
20. Hereinafter, the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11, shall be referred to as the “**Charter**”).

BACKGROUND

May 2021 Injunction (Civil Contempt)

21. On May 6, 2021, Alberta’s Chief Medical Officer of Health (CMOH) implemented public health measures in the form of CMOH orders made pursuant to the *Public Health Act*, RSA 2000, c P-37, as amended (the “**CMOH Orders**”).
22. Also on May 6, 2021, AHS applied under the *Public Health Act* for an *ex parte* injunction to enforce the CMOH Orders (the “**Injunction**”). At this time, AHS was aware that the Pawlowski Plaintiffs were being represented by Sarah Miller (“**Ms. Miller**”), yet Ms. Miller did not receive notice of AHS’s intentions to apply for the Injunction.
23. Paragraph 1 of the Injunction read as follows:

The named individual Respondents and any other person acting under their instructions or in concert with them or independently to like effect and with Notice of this Order, shall be restrained anywhere in Alberta from:

- a. organizing an in-person gathering, including requesting, inciting or inviting others to attend an “Illegal Public Gathering”;
- b. promoting an Illegal Public Gathering via social media or otherwise;
- c. attending an Illegal Public Gathering of any nature in a “public place” or a “private place”, which each have the same meaning as given to them in the Public Health Act.

[Emphasis added]

- 24. The Injunction named as respondents Christopher Scott, Whistle Stop (2012) Ltd., Glen Carritt, John Doe(s), and Jane Doe(s).
- 25. The Injunction stated that a person is “deemed to have Notice of this Order if that person is shown a copy of the Order, or it is posted in plain sight where it can be easily read by them, or if it is read to them.”
- 26. On May 8, 2021, while the Pawlowskis held church services [at 4315 26 ave SE where they were renting for church services], the CPS dropped a sealed copy of the Injunction on the ground. The CPS did not identify the contents of the sealed envelope. No further attempts were made by the CPS to affect notice of the Injunction on the Pawlowskis.
- 27. The Police arrested the Pawlowskis that same day, shortly after the Plaintiffs departed from officiating their church service. Some of the particulars in respect of the Plaintiffs arrest and subsequent detainment are as follows:
 - (a) On May 8, 2021, following the conclusion of worship services, the Pawlowskis departed from the church premises. At approximately 12:30 p.m., while en route from the location, their vehicle was intercepted by Police officers on the Highway at 17th Ave SE, at or near the turnoff leading to Deerfoot Trail in Calgary.
 - (b) The Plaintiffs were roughly handcuffed and were then either carried or dragged to separate police vehicles, without being read their charges for arrest or their Charter and caution. The handcuffs were secured unnecessarily tight, resulting in restricted blood flow and injury to the Plaintiffs’ wrists, arms, and hands.
 - (c) Artur was shoved into a police van and forced to lie on his back on the floor of the paddy wagon, with his feet pushed up and to the side in order for the door to be closed on him. Dawid was placed in a seated position in the police vehicle.

- (d) After arresting the Plaintiffs, the Police did not continue east toward the obvious exit onto Deerfoot Trail, which would have been the most efficient route to the Calgary Remand Centre located in the Northwest area of Spyhill.
- (e) After a short drive, the police vehicles stopped for a time before an individual officer, believed by the Plaintiffs to be Constable Develter, informed the Plaintiffs that they were being arrested for breaching a court injunction and for an unspecified breach of the Criminal Code. The officers did not provide any documents or details regarding the alleged criminal charge, nor any details about the court injunction of which they accused the Plaintiffs of breaching.
- (f) The Police continued into the downtown area, with Artur still strung up in a mangled position lying on his back in the back of the police vehicle. At some point after reaching the Downtown area, the Police stopped the vehicle and took turns observing and laughing at Artur through the vehicle's back window. Artur remained trapped on his back in significant pain, suffering injury and unlawful humiliation as a result, among other things.
- (g) With his hands wrenched behind his back, his body wedged between the dividing wall and the bench, and his feet angled upward at an awkward and painful angle, Artur was unable to bring himself into a seated position. The Police failed, refused, and/or neglected to offer to assist or allow Artur to adjust his position at any time or offer reasonable respite.
- (h) The specifics of Dawid's arrest largely mirror that of Artur's, except that Dawid was placed in a seated position within the police vehicle. At one point, Dawid expressed that his shoulder and wrists were in great pain from the stress of his hands being handcuffed behind his back for a prolonged period of time and the handcuff binding so tightly that numbness had set in, blood flow restricted, and enduring and excruciating pain was being experienced. The Police failed, refused, and/or neglected to offer to assist or allow Dawid to adjust his position at any time or offer reasonable respite.
- (i) After an hour of being held in their respective police vehicles, the Plaintiffs were finally taken to the Spyhill jail facility. There, they were detained in separate jail cells and were subjected to a period of solitary confinement under harsh, cruel, and unusual conditions, including being exposed to continuous bright lighting, which did not abate or dim even during the nighttime hours, and were deprived of basic comforts such as bedding and a bible.
- (j) During their approximately 30-hours of solitary confinement at the Spyhill jail, the Plaintiffs were unlawfully deprived of communication with their Counsel — messages left for them by their Counsel were withheld or not relayed, nor were they informed of the existence of any such messages. The pervasive, harsh conditions resulted in both Artur and Dawid being unable to sleep for the entire 30-

hour period. Sleep deprivation constitutes unlawful confinement conditions and abuse at least, or cruel and unusual punishment, at worst.

- (k) Around 6:00pm on May 9, 2021, Artur and Dawid were transferred across the street to the Calgary Remand Centre, where they encountered hostility and mocking of their religious beliefs from the guards and Police, endured a strip search, and were placed in a dirty cell without blankets. The Pawlowskis — who were physically shivering due to the cold condition of the cell, the blue jumpers they were forced to wear doing very little to insulate them from the cold — requested blankets, but their request was unreasonably denied or ignored.
- (l) At just before midnight of May 9, 2021, the guard staff changed shifts and the new guard acknowledged the inequitable conditions of the Plaintiffs' shared call space. But it was not until 3:00am the next day that the Pawlowskis were finally provided with a mattress and blankets for the single bed of their shared cell. However, the Pawlowskis' requests for transfer to a cell with a proper bunk, which would have allowed the Plaintiffs to attempt to get some sleep, were denied.
- (m) Despite multiple and sustained requests, the Plaintiffs were unreasonably and unlawfully denied phone calls to Counsel and/or otherwise. Again, Counsel for the Plaintiffs left messages for them at the Remand Centre, but neither Plaintiff was informed of nor received any of these messages.
- (n) In contrast to other inmates, the Pawlowskis' access to personal protective equipment was deficient, raising concerns about health and safety protocols within the facility.
- (o) After a brief period of rest between 3:00 and 6:00am on May 9, 2021, during which neither Artur nor Dawid were able to sleep due to the lack of proper sleeping arrangements, the Plaintiffs were taken to court on the morning of May 10, 2021, still unaware of the full reasons for their detention which was unreasonably and arbitrarily withheld by the Defendants. Only at the courthouse did they receive legal guidance from their lawyer's agent.
- (p) Following a court appearance before Justice Germain, the Plaintiffs were ordered to be released pursuant to a Release Order, but were subject to further ridicule, harassment, and abusive treatment upon return to the Remand Centre until their release at 7:00pm on May 10, 2021.
- (q) Due to the severe, oppressive, cruel, and unusual conditions of their detainment, Artur and Dawid were deprived of sleep between their arrest at approximately 12:30pm on May 8, 2021 until their release at 7:00pm on May 10, 2021, amounting to over two full days and nights.
- (r) Their journey home was marred by surveillance from a Police helicopter and a vehicle, extending the Pawlowskis' distressing harassment, abuse, and pursuit

even after their formal release. Subsequently, Artur and Dawid adhered to the terms of the Release Order and refrained from church services on May 15, 2021.

28. Counsel for the Plaintiffs, Ms. Miller, did not receive a copy of the Injunction until after the Pawlowskis' arrest and detention, despite the Defendants having material knowledge they had Counsel.
29. As of the date of their arrest on May 8, 2021, neither Artur or Dawid had any pending criminal charges, nor did either have a criminal record.
30. Contrary to the plain language of the Injunction:
 - (a) The Injunction was enforced against the Pawlowskis despite not applying to them. The Pawlowskis were not included among the respondents named in the Injunction, neither were the Pawlowskis acting under the instructions of these individuals, in concert with them, nor independently to like effect.
 - (b) Neither the Pawlowskis nor their Counsel, at any time prior to their arrest on May 8, 2021, receive notice of the Injunction. The Pawlowskis were not shown a copy of the Injunction. The Injunction was not posted in plain sight where it could be easily read by the Pawlowskis. Lastly, the Injunction was not read to the Pawlowskis.
 - (c) It was not until May 10, 2021, after the Pawlowskis' arrest and detention, that the Plaintiffs and their Counsel first received a copy of the Injunction.
31. On May 13, 2021, AHS brought a civil contempt Application against the Pawlowskis, alleging that the Plaintiffs breached the Injunction.
32. Also on May 13, 2021, the Injunction was amended to remove "or independently to like effect" from paragraph 1 (the "**Amended Injunction**"). The Pawlowskis did not at any time receive notice of the Amended Injunction.
33. On June 29, 2021, the Pawlowskis were found to be guilty of civil contempt for purportedly breaching the Injunction (*Alberta Health Services v Pawlowski*, 2021 ABQB 493) (the "**Contempt Decision**").
34. On October 13, 2021, the Pawlowskis were sentenced in connection with the Contempt Decision (*Alberta Health Services v Pawlowski*, 2021 ABQB 813) (the "**Sanction Decision**").
35. Artur was sentenced, pursuant to the Sanction Decision, as follows:
 - (a) Three days in prison, which was deemed fully satisfied and served;
 - (b) Ordered to pay a fine of \$20,000.00;

- (c) Placed on probation for eighteen (18) months and ordered to perform one hundred and twenty (120) hours of community service;
 - (d) Ordered to remain in Alberta, except to attend a family emergency or health matter (the “**Mobility Provision**”); and
 - (e) Required to add a Court drafted and ordered disclaimer to all social media posts and public statements of any kind — written or oral — when speaking negatively against the government or against the public health recommendations (the “**Qualified Speech Provision**”). The public health recommendations and the pursuant CMOH Orders have since been expunged and declared unlawful by this Honourable Court in *Ingram v Alberta (Chief Medical Officer of Health)*, 2023 ABKB 453 (CanLII).
36. Dawid received an identical sentence — with the only difference being that his fine was \$10,000.00 and he was to serve a probation period of twelve (12) months — and his prison sentence was likewise deemed fully satisfied and served.
37. Costs were awarded against the Pawlowskis jointly and severally at \$15,733.50.
38. The Qualified Speech Provision read as follows:
- I am also aware that the views I am expressing to you on this occasion may not be views held by the majority of medical experts in Alberta. While I may disagree with them, I am obliged to inform you that the majority of medical experts favour social distancing, mask wearing, and avoiding large crowds to reduce the spread of COVID-19. Most medical experts also support participation in a vaccination program unless for a valid religious or medical reason you cannot be vaccinated. Vaccinations have been shown statistically to save lives and to reduce the severity of COVID-19 symptoms.
39. Prior to his sentencing, Artur had departed from Canada for a speaking tour that lasted until his return on September 27, 2021.
40. On July 22, 2022, the Pawlowskis successfully appealed both the Contempt Decision and the Sanction Decision (*Alberta Health Services v Pawlowski*, 2022 ABCA 254) (the “**Appeal Decision**”). The Alberta Court of Appeal found that the Injunction did not apply to the Pawlowskis as it did not refer to them. The Court set aside the finding of civil contempt as against the Pawlowskis and also set aside the \$15,733.50 costs award, and ordered that the fines paid by the Pawlowskis be reimbursed by AHS and awarded additional costs adversely against AHS.

May 2021 Injunction (Criminal Contempt)

41. On or around June 5, 2021, Artur held an outdoor baptism service to baptize his daughter in a Calgary river.

42. As of that date, Artur still had not been served with nor received Notice of the Amended Injunction. Even if he had been served with or received notice of the Amended Injunction, which is denied, it did not apply to Artur.
43. Even if the Amended Injunction applied to him, which is also denied, the outdoor baptism service did not constitute an “Illegal Public Gathering” as defined in the CMOH Orders.
44. On September 27, 2021, following his return to Calgary from a speaking tour in the United States, Artur was apprehended by the Police (customs officers) who told him that there was a warrant out for his arrest. Artur was handcuffed and ordered by the Police to leave his luggage behind, including his laptop computer. The customs officers informed Artur that they were going to “search everything”. Once inside the airport, Artur was handed off to some CPS officers that had been waiting for him. Artur was then charged with criminal contempt, under *Criminal Code of Canada* (the “**Criminal Code**”) Section 127, for allegedly breaching the Amended Injunction by holding an outdoor baptism service to baptize his daughter on June 5, 2021 (the “**Criminal Contempt Charge**”).
45. Artur was then taken to the Spyhill prison and kept in a holding cell for 7–9 hours. He was released on September 28, 2021, and told to contact the Police for his luggage. Artur did so and was told by the Police that they did not take his luggage into their custody. However, Artur was soon after informed by Adam Soos, a journalist for Rebel News, that he had captured a video showing the Police putting Artur’s luggage into a Police cruiser.
46. Artur’s luggage, including his laptop, was later discovered and retrieved from Police storage. When the laptop was returned to Artur, it became evident that the security measures, specifically the password protection, had been circumvented and the data contained within had been subjected to arbitrary, unauthorized, and unlawful access, scrutiny, and electronic tampering by the Police of their agents, and to unreasonable search and seizure.
47. On July 28, 2022, the Crown stated, via email to Ms. Miller, Artur’s Counsel, that upon reviewing the Appeal Decision, the Criminal Contempt Charge no longer met the test for prosecution, and that the Crown would therefore be withdrawing the charge on August 5, 2022.
48. On August 5, 2022, the Crown withdrew the Criminal Contempt Charge.

Causing a Disturbance (Section 175) and Criminal Trespass Allegations

49. In or about April of 2021, Artur attended the Canada Post location within the Shoppers Drug Mart at Westbrook Mall of Calgary, Alberta. Artur attempted to buy a stamp, but the Canada Post manager refused to sell him one.
50. In or about December of 2021, Artur received a package slip requesting that he return to the same Canada Post location in order to pick up a parcel. Artur arrived to pick up his parcel but was again refused service and told to leave. Artur left and called the Police to

pick up his parcel for him. Police officers arrived, entered the building, and retrieved Artur's package at his request. When the Police exited the building, they provided Artur with his parcel and also a trespass notice. The trespass notice prohibited Artur from entering the Shoppers Drug Mart at Westbrook Mall.

51. Artur obeyed the prohibition set out in the trespass notice. He did not return to the Shoppers Drug Mart, neither did he enter its parking lot.
52. On January 28, 2022, Artur was driving home with his wife from Leduc when he was pulled over by two Police officers who told him that there was a warrant for his arrest. The Police ordered Artur into their police cruiser. Artur obeyed and entered the vehicle. Confused, Artur asked the officers what his charges were. The Police admitted that they did not know and asked him to wait as they searched their computer system to identify the charges. After several minutes of searching, the Police finally informed Artur that the charges were trespass and criminal harassment. The officers then released Artur on condition that he appear before a judge.
53. Later, Artur's Counsel, Ms. Miller, discovered that the actual charges were causing a disturbance, under Section 175 of the Criminal Code, and criminal trespass, both in connection with Artur's attempt to collect his parcel from the Canada Post location at Westbrook Mall back in December of 2021.
54. Between receiving the trespass notice in December of 2021 and his arrest on January 28, 2022, Artur neither entered the Shoppers Drug Mart building at Westbrook Mall nor entered its parking lot.
55. The Plaintiffs state, and the fact is, Canada Post by one or more of its employees, staff, contractors, and/or agents, Canada Post being vicarious liable for the unlawful acts and omissions of which, maliciously and/or intentionally lied or misrepresented the aforementioned events and encounters between Artur and Canada Post to the Police for the express or implied purpose of having the Police once again investigate and/or charge Artur. At best, the Police relied upon the lies or misrepresentations of Canada Post. At worst, the Police were complicit and agreed to take part in the further harassment of Artur, through further investigation by attempting to find a mechanism available to charge Artur as aforesaid. The Plaintiffs state that the same was done with an intent to injure Artur.
56. In October of 2022, the Court found Artur not guilty of the charges stemming from the Shoppers incident.

January 2022 Peaceful Protest (Section 33 Charge)

57. On January 1, 2022, Artur and Dawid were asked to attend a protest to take place later that day in a cul-de-sac near the home of Minister Jason Copping. The Plaintiffs were asked to attend in their capacity as pastors in order to keep the protest peaceful, given that some of the soon-to-be protestors were considering entering Minister Copping's backyard.

58. Artur and Dawid agreed and attended the protest in the same car, with Artur's son also in the car. While there, the Plaintiffs repeatedly emphasized and demanded of the protestors that the protest remain peaceful and that no one was to enter or trespass upon private property. During the course of the short forty (40) minute protest, Artur and Dawid remained in the public areas of the cul-de-sac and did not enter private property. The Plaintiffs continually encouraged others to do likewise.
59. Soon after leaving the protest, the vehicle containing Artur, Dawid, and Artur's son was stopped at a Police checkpoint set up in the same community where the protest took place. The Police at the checkpoint recognized Artur and Dawid and referred to Artur by name. Dawid, being the driver, was asked to blow into a portable breathalyzer and the Plaintiffs were told they could leave.
60. Upon leaving the checkpoint, a Police cruiser immediately began tailing the vehicle containing the Plaintiffs and Artur's son. After tailing their vehicle for roughly ten (10) minutes, the cruiser pulled them over. Artur and Dawid were informed that they were under arrest. One or both Plaintiffs overheard another Police officer say, "Let's see if he breached something" or something to similar effect.
61. Artur and Dawid were then ordered to exit their vehicle, told they were under arrest for breach of a release order, and were roughly handcuffed by the officers, their arms being twisted behind their backs and the handcuffs secured unnecessarily tight such as to restrict blood flow and to cause the Plaintiffs to suffer injury. The Plaintiffs were then carried to the police cruiser and pushed into the back seat. Inside the vehicle, the officers asked Artur questions, to which he indicated that he would not answer without his lawyer present. An officer replied saying, "Fine, we'll charge you with other things."
62. Artur and Dawid were then transported to Spyhill prison and held there for 4–5 hours. They were then released on bail. Their release was conditional on not returning to Minister Copping's house and to keep the peace (the "**Release Conditions**").
63. The Crown eventually converted the Pawlowskis' Section 127 charge to a charge under Section 33 of the Criminal Code. At some later time, around September or October of 2022, the Crown ultimately withdrew the Section 33 charge for both Plaintiffs.

Coutts Religious and Pastoral Services

64. Constituent and core to his role as a pastor, and otherwise, Artur frequently invokes his constitutional and Charter right to freedom of religion which is "the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practise or by teaching and dissemination". Such a right is expressed both implicitly and explicitly by Artur's practices as a pastor and when he is engaged in the provision of religious and pastoral services ("**Religious Services**") and the exercise of his rights pursuant to the Charter and otherwise.

65. On February 3, 2022, Artur arrived in Milk River, Alberta to provide Religious Services. Following the provision of Religious Services at Milk River, Artur travelled south to Coutts, Alberta to provide Religious Services as a pastor there, as well.
66. Also on February 3, 2022, Artur provided Religious Services in Coutts, Alberta at Smugglers Saloon. As part of said Religious Services, Artur delivered a sermon for attendees, officiated the Lord's Supper, sung hymns, and prayed (the "**Peaceful Sermon**").
67. Following the Peaceful Sermon and the provision of Religious Services on February 3, 2022, Artur left Coutts, the same afternoon that he arrived.
68. On February 8, 2022, in connection with his February 3, 2022 Sermon, Artur was charged and accused of:
 - (a) Counseling other persons to render critical infrastructure useless under Section 2(4) of the *Critical Infrastructure Defence Act* ("**CIDA**") (the "**CIDA Charge**");
 - (b) Inciting others to commit mischief, contrary to Section 430(1)(C) of the Criminal Code (the "**Mischief Charge**"); and
 - (c) Failure to comply with a condition of a release order, contrary to Section 145(5)(a) of the Criminal Code (the "**Release Order Charge**").
69. On the morning of February 8, 2022, at approximately 8:00am, the residential block where Artur Pawlowski resided was barricaded by the Police, including at least fifteen (15) uniformed officers, undercover officers, Special Weapons and Tactical (SWAT) officers, and RCMP members. During the ensuing arrest, Artur was handcuffed and brutalized with such force that it resulted in cuts to his wrists, drawing blood, and left bruises and tingling that persisted for over a month. Artur continues and will continue to suffer injuries as particularized above and elsewhere herein.
70. Following his handcuffing, assault, and battery, as described above and elsewhere herein, Artur was forcefully dropped down five concrete steps outside his home, causing injury to his shoulder that still plagues him with pain. He was then taken to a local Police station where he endured hours of interrogation in a holding cell. Artur was denied his right to silence and his right to immediately retain and be advised by Counsel. Artur was not given a Charter notice or caution.
71. Artur was then transported to the Calgary Remand Centre where he was strip-searched and made to wear prison overalls. Despite being one of the first to arrive, Artur was the last to be processed, watching others receive religious texts and undergo COVID testing. When it was his turn, he was not offered a bible and was taken directly for a COVID test, which he refused.

72. Artur was placed in a medical isolation ward, where eventually an admissions officer provided him with a pen, paper, and a bible. A second bible was also given by the chaplain. Artur meticulously took notes intended solely for his lawyer's review, clearly marking each page as "for lawyer's eyes only". Such notes were clearly intended to be and were protected by solicitor-client privilege and confidentiality.
73. The following day, Artur was confined to a small, over-heated holding cell without adequate space or ventilation, which was exacerbated by a broken air conditioning system that remained unrepaired throughout his imprisonment. This environment caused him significant physical and mental distress. Artur was subjected to an arbitrary and capricious full-body X-ray scan under the suspicion of contraband smuggling, followed by the humiliation of defecating under the supervision of Police or agents of the Defendants, and then a second X-ray scan. During this period, he witnessed the arrest and removal of the admissions officer who had provided him with the bible and writing materials. Artur later learned that the officer had been terminated for assisting him, as part of an apparent strategy to psychologically break him.
74. Despite his lack of a criminal record, and despite not being a flight risk given that his family and possessions reside in Canada, Artur was nevertheless denied bail following his first bail hearing.
75. From February 9 to 28, 2022, Artur was isolated without human contact, repeatedly asked to undergo a COVID test, and kept beyond the standard 14-day quarantine period without reasonable or lawful justification. Artur was repeatedly asked to submit to a nose swab, and denied an explanation when he inquired about the extended duration of his isolation. His limited time out of isolation was heavily controlled, and other inmates were required to clear the area during the brief moments he was given outside his cell.
76. On February 28, 2022, after other inmates petitioned for a merciful release from isolation and the resultant suffering he endured thereunder, Artur was moved to a regular cell but was inexplicably returned to isolation the following day. The guard that escorted Artur back to medical isolation informed Artur that he had been ordered to return Artur to medical isolation and that he had not been given a reason as to why. Artur's "medical" isolation continued until March 24, 2022, amounting to a total of forty-four (44) days of unjustified seclusion in the medical isolation ward.
77. When Artur attempted to fast — something he commonly did as an expression of his religious beliefs — prison authorities threatened to inject him with an IV.
78. When a Bible was eventually granted, Artur's access to his prescription glasses was concurrently and systematically denied, compromising his ability to read. Subsequently, authorities provided Artur with a pair of generic eyeglasses; however, these were of an incorrect prescription, leading to prolonged eye strain and consequential intense headaches for Artur which continue to the present day.

79. Ms. Miller, Artur's Counsel, faced persistent and violent opposition from Remand authorities in her many attempts to maintain correspondence with Artur. When she was finally allowed into the Calgary Remand facility to meet with Artur, Ms. Miller was unreasonably denied use of one of the facility's unmonitored rooms designed for lawyers to meet with their detained clients. Instead, Ms. Miller was forced to converse with Artur through a monitored visitation phone. Ms. Miller was further denied when she requested that her conversation with Artur through the visitation phone not be recorded.
80. Prison authorities continually attempted to coerce Artur to sign a guilty plea by way of harassment and intimidation.
81. On March 24, 2022, Artur was deceptively taken to admissions under the pretense of a visitor's arrival, only to be shackled and transferred to the Edmonton Remand Centre. Upon arrival, he was handed a Notice to Inmate of Administrative Segregation/Restricted Placement claiming that Artur was "considered unsafe to Centre and staff". The notice further stated "Placed on Administrative Segregation as per senior management. House and Exercise alone."
82. Artur was then placed in solitary confinement in a maximum security pod and subjected to frigid temperatures. He remained there for an entire day and a night, until he was released sometime after his second bail hearing. Artur was unable to sleep the entire time he was kept in solitary confinement due to the extremely poor conditions of his detainment and the complete lack of reasons for his continued isolation. Artur was never told the actual reason for being placed in solitary confinement.
83. Artur's ordeal in solitary confinement continued without sleep until he was inexplicably moved to the psychiatric ward, without a psychological assessment ever being carried out or one ever being even remotely necessary. A doctor visiting the ward expressed confusion regarding Artur's presence there, confirming that no psychological evaluation had been conducted nor warranted. Artur was not held in isolation at the psych ward and had access to common areas. He remained in the psych ward until March 30, 2022.
84. On March 30, 2022, Artur was removed from the psych ward and required to strip naked in front of half a dozen guards, including one female guard. Artur was forced to relinquish the cross that he had been wearing that was gifted to him by a fellow inmate.
85. Artur was then taken back to the Calgary Remand Centre, where he was subjected to yet another strip search. From there, he was placed back into his old cell in the medical isolation ward.
86. Sometime later, Artur was taken back to admissions and subjected to a third strip search of the day then placed once again in the medical isolation ward.
87. Artur was eventually provided his original belongings and told that he would be released. He was moved to a holding cell to await his release. While there, he was threatened by a

higher ranking officer that if he said anything to the people waiting outside of the facility he would be arrested again and brought back to be detained.

88. On his way home, Artur was followed by an undercover police vehicle and a police helicopter for the entire trip.
89. As a result of the mistreatment at the hands of the arresting CPS officers and Remand staff and authorities, Artur suffered shoulder, back, and wrist pain that continues to this day.
90. On May 2, 2023, Artur was found guilty of both the Mischief Charge and the Release Order Charge. A conviction was not entered in for the CIDA Charge at that time (*R v Pawlowski*, 2023 ABCJ 131). Sometime after, the CIDA Charge was withdrawn.
91. On September 18, 2023, Artur was sentenced to 60 days in prison, with respect to the Mischief Charge and the Release Order Charge, which was deemed fully satisfied by time already served.

Public Health Tickets, Abuse of Process, and Malicious Prosecution Under the Public Health Act

92. On April 3, 2020, Artur was feeding the homeless in downtown Calgary when over half a dozen police officers surrounded him and issued a \$1,200.00 fine for allegedly breaching a public health act for exceeding the gathering limit.
93. For the remainder of 2020 and the beginning of 2021, Artur received at least 14 or more charges, tickets, or fines, all of which were eventually withdrawn.
94. Artur was charged with a summons for multiple offences or tickets that had been issued between December 13, 2020, and January 6, 2021 (Doc #210081816P1) (the “**16P1 Proceeding**”). Despite the fact that all the underlying offences or tickets themselves were ultimately withdrawn, the 16P1 Proceeding was not itself stayed until much later on December 16, 2022.
95. Generally, from December of 2020, or earlier, until the present and beyond, AHS, and the other Defendants, both individually and in concert, instituted a systematic campaign of malicious harassment, investigation, abuse of process, prosecution, discrimination, and oppression against the Plaintiffs, the particulars of which have been plead elsewhere herein, in a conspiracy and/or of their own accord.
96. Generally, in respect of the City, the City also engaged in continuing Unlawful Conduct as defined in Paragraphs 97, 98, and elsewhere against the Plaintiffs by conducting its own operations, investigations, prosecutions, and other unlawful acts and/or omissions against the Plaintiffs as are elsewhere described herein and otherwise as shall be proved at the trial of this action.

CLAIMS**General claims, negligence, and personal injury**

97. At all material times, the Defendants, and each of them, owed the Plaintiffs, and each of them, duties of care, statutory duties, and other duties which were breached by the acts, omissions, negligence, and other unlawful conduct of the Defendants (the “**Unlawful Conduct**”).
98. Generally, some of the particulars of the Unlawful Conduct of the Defendants include, but is not limited to:
- (a) Corruption;
 - (b) Misfeasance in public office;
 - (c) Malicious prosecution;
 - (d) Abuse of process;
 - (e) False arrest and/or false imprisonment;
 - (f) Malicious procurement and execution of a search warrant;
 - (g) Intentional infliction of nervous shock;
 - (h) Breach of privacy;
 - (i) Unlawful discrimination;
 - (j) Battery and assault;
 - (k) Cruel and unusual punishment;
 - (l) Breaching the principles of natural justice;
 - (m) Breaching the principles of fundamental justice and/or depriving the Plaintiffs of their rights in accordance with the principles of fundamental justice;
 - (n) Breaching the principles of procedural fairness and depriving the Plaintiffs of their right to the same;
 - (o) Breaching duties of fairness;
 - (p) Breaching duties of good faith and/or acting in bad faith;
 - (q) Bringing the administration of justice into disrepute;

- (r) Negligent misrepresentation;
- (s) Failing to make full and frank disclosure to the Court by, among other things, failing to advise the Court that the Plaintiff(s) were represented by Counsel;
- (t) Denying the Plaintiffs their right to Counsel, their right to respond to proceedings and charges against them, and denying their right to be heard in any proceedings against them;
- (u) Purposefully keeping proceedings against the Plaintiffs secret from the Plaintiffs, who the Defendants knew to be represented by Counsel without due and just cause;
- (v) Failing to provide materials and/or disclosure to the Plaintiffs in support of the Defendants proceedings against the Plaintiffs and denying the Plaintiffs the right to respond to charges, pleadings, and proceedings and denying their right to cross-examine any affiants giving evidence in support of any such charges and/or proceedings;
- (w) Purposefully excluding the Plaintiffs from proceedings without any just or due cause;
- (x) Exercising legislative and execute authority and powers against the Plaintiffs in a high-handed manner meant to usurp the fundamental and legal rights of the Plaintiffs;
- (y) Failing to adequately supervise, train, and educate their respective employees, contractors, delegates, and agents;
- (z) Violating the Plaintiffs' rights to freedom of religion;
- (aa) Violating the Plaintiffs' rights to freedom of expression;
- (bb) Violating the Plaintiffs' rights to freedom of peaceful assembly;
- (cc) Violating the Plaintiffs' rights to freedom of association;
- (dd) Violating the Plaintiffs' rights of mobility;
- (ee) Violating the Plaintiffs' rights to life, liberty, and security of the person;
- (ff) Violating the Plaintiffs' rights against unreasonable search and seizure;
- (gg) Violating the Plaintiffs' rights against arbitrary detention;
- (hh) Violating the Plaintiffs' rights to be right to be informed of reasons for detention or arrest;

- (ii) Violating the Plaintiffs' rights to Counsel;
 - (jj) Violating lawyer-client privilege;
 - (kk) Violating the Plaintiffs' rights to have the validity of their detention determined by way of habeas corpus and to be released if the detention is not lawful;
 - (ll) Violating the Plaintiffs' rights to be forthwith informed of specific offences charged;
 - (mm) Violating the Plaintiffs' rights to be tried within a reasonable time;
 - (nn) Violating the Plaintiffs' rights to the presumption of innocence;
 - (oo) Violating the Plaintiffs' rights not to be denied reasonable bail without just cause;
 - (pp) Violating the Plaintiffs' rights against double jeopardy;
 - (qq) Violating the Plaintiffs' rights not to be subjected to cruel and unusual treatment or punishment;
 - (rr) Violating the Plaintiffs' right against protection against self-incrimination;
 - (ss) Persecuting the Plaintiffs for their religious and political beliefs and practices;
 - (tt) Entering into a conspiracy against the Plaintiffs to harass them, deny their constitutional rights, cause them physical and mental injuries and make a public example of them, and otherwise;
 - (uu) Such other and further particulars which are described in further detail elsewhere herein; and
 - (vv) Such other and further particulars which shall be proved at the trial of this action.
99. As a result of the aforesaid Unlawful Conduct, Artur Pawlowski has suffered multiple injuries, has suffered damages, and will continue to suffer damages. Some of the particulars of the injuries and damages include, but are not limited to, the following:
- (a) Acute muscular-ligamentous cervical spinal strain;
 - (b) Acute muscular-ligamentous thoracic spinal strain;
 - (c) Acute muscular-ligamentous lumbar spinal strain;
 - (d) Injury to the neck, back, hips, pelvis, buttocks, and girdle;
 - (e) Injury to the shoulders;
 - (f) Injuries to the arms, wrists, and hands;

- (g) Injury to the knees, legs, and feet;
 - (h) Damage to the neurological system including the brain;
 - (i) Post traumatic stress disorder;
 - (j) Headaches;
 - (k) Insomnia;
 - (l) Nightmares;
 - (m) Mental trauma and anguish;
 - (n) Anxiety;
 - (o) Trouble sleeping;
 - (p) Lethargy;
 - (q) Depression;
 - (r) Loss of appetite;
 - (s) Memory loss;
 - (t) Trouble concentrating;
 - (u) Concussion;
 - (v) Damage to his reputation;
 - (w) Damage to his parish;
 - (x) Humiliation and denigration;
 - (y) Egregious, systematic, and sustained violations of his civil, constitutional, and common law rights as elsewhere herein described;
 - (z) Pecuniary costs and special damages as shall be proved at the trial of this action;
and
 - (aa) Such further and other injuries and damages as shall be proved at the trial of this action.
100. As a result of the aforesaid, Artur Pawlowski, has suffered special damages including incurred medical expenses, legal expenses, and damages to his parish and other losses and expenses, some of the particulars of which are as follows:

- (a) Housekeeping expenses estimated at \$25,000.00; and
 - (b) Such further and other special damages as shall be proved at the trial of this action.
101. As a further result of the injuries and damages sustained as a result of the Defendants' Unlawful Conduct, Artur Pawlowski, will be more susceptible to future injuries and degenerative changes.
102. As a result of the aforesaid, Artur Pawlowski, has suffered pain and suffering and has been disabled and will continue to have pain and suffering, loss of enjoyment of life, loss of housekeeping capacity, loss of earnings, past and prospective, loss of income earning capacity, and loss of opportunity to earn income, for an indefinite period of time and will continue to suffer damages.
103. As a result of the aforesaid Unlawful Conduct, Dawid Pawlowski has suffered multiple injuries, has suffered damages, and will continue to suffer damages. Some of the particulars of the injuries and damages include, but are not limited to, the following:
- (a) Acute muscular-ligamentous cervical spinal strain;
 - (b) Acute muscular-ligamentous thoracic spinal strain;
 - (c) Acute muscular-ligamentous lumbar spinal strain;
 - (d) Injury to the neck, back, hips, pelvis, buttocks, and girdle;
 - (e) Injury to the shoulders;
 - (f) Injuries to the arms, wrists, and hands;
 - (g) Injury to the knees, legs, and feet;
 - (h) Damage to the neurological system including the brain;
 - (i) Post traumatic stress disorder;
 - (j) Headaches;
 - (k) Insomnia;
 - (l) Nightmares;
 - (m) Mental trauma and anguish;
 - (n) Anxiety;
 - (o) Trouble sleeping;

- (p) Lethargy;
 - (q) Depression;
 - (r) Loss of appetite;
 - (s) Memory loss;
 - (t) Trouble concentrating;
 - (u) Concussion;
 - (v) Damage to his reputation;
 - (w) Humiliation and denigration;
 - (x) Egregious, systematic, and sustained violations of his civil, constitutional, and common law rights as elsewhere herein described;
 - (y) Pecuniary costs and special damages as shall be proved at the trial of this action; and
 - (z) Such further and other injuries and damages as shall be proved at the trial of this action.
104. As a result of the aforesaid, Dawid Pawlowski, has suffered special damages including incurred medical expenses, legal expenses, and damages to his parish and other losses and expenses, some of the particulars of which are as follows:
- (a) Housekeeping expenses estimated at \$25,000.00; and
 - (b) Such further and other special damages as shall be proved at the trial of this action.
105. As a further result of the injuries and damages sustained as a result of the Defendants' Unlawful Conduct, Dawid Pawlowski, will be more susceptible to future injuries and degenerative changes.
106. As a result of the aforesaid, Dawid Pawlowski, has suffered pain and suffering and has been disabled and will continue to have pain and suffering, loss of enjoyment of life, loss of housekeeping capacity, loss of earnings, past and prospective, loss of income earning capacity, and loss of opportunity to earn income, for an indefinite period of time and will continue to suffer damages.

Malicious prosecution

107. Some the particulars in respect of the allegations of malicious prosecution by the Defendants, have been elsewhere described herein as Unlawful Conduct, and otherwise, and are furthermore set forth hereunder.
108. The Defendants, and each of them, undertook proceedings against the Plaintiffs without reasonable and probable cause and were motivated by malice or a primary purpose other than that of carrying the law into effect, and which proceedings were terminated in favour of the Plaintiffs.
109. With respect to the civil contempt proceedings brought against the Plaintiffs:
- (a) AHS initiated the civil contempt proceedings against the Plaintiffs on May 13, 2021.
 - (b) On July 22, 2022, the civil contempt proceedings were terminated in favour of the Plaintiffs when the Alberta Court of Appeal found that the Injunction did not apply to the Pawlowskis.
 - (c) There was no reasonable or probable cause to commence or continue the civil contempt proceedings:
 - (i) The Plaintiffs were not served with nor did they receive notice of the Injunction at any point on or prior to May 8, 2021, the day that the alleged contempt purportedly took place; and
 - (ii) The Plaintiffs were not named in the Injunction.
 - (d) AHS was motivated by malice to initiate and continue the civil contempt proceedings against the Plaintiffs. Further and in the alternative, AHS was motivated by a primary purpose other than that of carrying the law into effect when it initiated or continued the civil contempt proceedings against the Plaintiffs.
110. With respect to the criminal contempt proceedings brought against Artur:
- (a) The Crown, Alberta, the Police, and/or other Defendants initiated the criminal contempt proceedings against Artur on September 27, 2021.
 - (b) On August 5, 2022, the criminal contempt proceedings were terminated in Artur's favour.
 - (c) There was no reasonable or probable cause to commence or continue the civil contempt proceedings:
 - (i) Artur had not been served with nor did he receive notice of the Amended Injunction;

- (ii) Artur was not named in the Amended Injunction; and
 - (iii) Artur did not breach the Amended Injunction — the June 5, 2022, outdoor baptism service did not constitute an “Illegal Public Gathering” as defined in the CMOH Orders.
- (d) The Defendants were motivated by malice to initiate and continue the criminal contempt proceedings against Artur. Further and in the alternative, the Defendants were motivated by a primary purpose other than that of carrying the law into effect when it or they initiated or continued the criminal contempt proceedings against Artur, and/or to cause injury.
111. With respect to the causing a disturbance and criminal trespass charges:
- (a) The Defendants brought the causing a disturbance and criminal trespass charges against Artur on or about January 28, 2022.
 - (b) In October 2022, the proceedings terminated in Artur’s favour when the Court found him not guilty of both charges.
 - (c) There was no reasonable or probable cause to bring these charges or continue the prosecution of these charges:
 - (i) After being served with the trespass notice, Artur never returned to the Westbrook Mall Shoppers Drug Mart location; and
 - (ii) Artur did not engage in fighting, screaming, shouting, swearing, singing, or using insulting or obscene language, was not drunk, nor did he impede or molest other persons, and at all times acted peacefully and within his rights.
 - (d) The Defendants were motivated by malice to bring these charges or continue the prosecution of these charges against Artur. Further and in the alternative, the Defendants were motivated by a primary purpose other than that of carrying the law into effect in bringing these charges or in continuing the prosecution of these charges against Artur.
112. With respect to the 16P1 Proceeding:
- (a) The Defendants commenced the proceedings.
 - (b) All offences or tickets underlying the 16P1 Proceeding were withdrawn.
 - (c) There was no reasonable or probable cause to commence or continue the 16P1 Proceeding, particularly once all underlying offences or tickets had been withdrawn.

- (d) The Defendants were motivated by malice to commence or continue the 16P1 Proceeding. Further and in the alternative, the Defendants were motivated by a primary purpose other than that of carrying the law into effect when it or they chose to commence or continue the 16P1 Proceeding.
113. Further, and/or in the alternative, the Defendants, and each of them, initiated and maintained investigations, prosecutions, and criminal / regulatory charges against the Plaintiffs knowing that the same was without merit, and was initiated and maintained based on malice, personal animosity, discrimination, or other Unlawful Conduct, for an improper purpose and without reasonable and probable cause.
114. Further, and/or in the alternative, by reason of the malicious prosecution of the Plaintiffs by the Defendants, and each of them, the Plaintiffs were wrongly deprived of their liberty, vilified in the community, greatly injured in their credit, character, and reputation, have suffered mental and bodily injury and anguish, have been put to considerable trouble, inconvenience, anxiety, expense and future expense, suffered loss of past and future income and opportunities, and have thereby suffered damage, for which the Defendants are jointly and severally liable.

Abuse of process

115. Some the particulars in respect of the allegations of abuse of process by the Defendants, have been elsewhere described herein as Unlawful Conduct, and otherwise, and are furthermore set forth hereunder.
116. The Injunction and Amended Injunction (collectively the “**Injunctions**”), the charges, proceedings, and actions by the Defendants against the Plaintiffs, as well as subsequent investigation and enforcement of the same, constitute the tort of abuse of process by AHS, on behalf of AHS by the other Defendants, and by the Defendants, generally, as against the Plaintiffs. Particulars of which include, but are not limited to, the following:
- (a) AHS applied for and enforced the Injunctions for the predominant purpose of furthering an indirect, collateral, and improper objective; and
- (b) Such other and further particulars as shall be proved at the trial of this action.
117. In addition to the injuries and damages as elsewhere herein described, the Plaintiffs have suffered special damages as a result of AHS’ actions, including:
- (a) Loss of income and financial stability due to the inability to carry out their regular religious and community activities, which were a source of livelihood;
- (b) Reputational damage, both personally and in relation to their religious and community roles, as a direct result of the public manner in which the Injunctions were enforced;

- (c) Emotional distress and mental anguish, including stress, anxiety, and other psychological impacts, resulting from the constant legal battles and public scrutiny;
- (d) Impediments to their freedom of movement and association, as they were subjected to repeated detentions and restrictions that limited their ability to engage with their community and practice their religious beliefs; and
- (e) Such other and further special damages as may be proven at the trial of this Action.

False arrest

118. Some the particulars in respect of the allegations of false arrest and false imprisonment by the Defendants, have been elsewhere described herein as Unlawful Conduct, and otherwise, and are furthermore set forth hereunder.
119. The Plaintiffs plead that their arrests and detentions by the Police were unlawful and constitute false arrest, with particulars including, but not limited to, the following:
- (a) The arrests on May 8, 2021, were not supported by reasonable grounds or legal authority, as demonstrated by the Alberta Court of Appeal's decision on July 22, 2022, which found that the Injunction did not apply to the Pawlowskis. Further, the Injunction was not served upon the Pawlowskis, nor were they given required Notice.
 - (b) Artur's arrest on September 27, 2021, was likewise not supported by reasonable grounds or legal authority. The Amended Injunction did not name Artur, nor did he receive the required Notice. The June 5, 2021, baptism service did not constitute an "Illegal Public Gathering".
 - (c) The arrests on January 1, 2022, were conducted without sufficient legal basis, as the Pawlowskis were engaged in a peaceful protest as was in their rights to attend.
 - (d) Artur's roadside arrest on January 28, 2022, was done without legal basis because no charges had been entered when the arrest occurred. Further and in the alternative, there was no basis for either of the alleged charges.
 - (e) Such other and further particulars as shall be proved at the trial of this action.

Occupiers' Liability

120. Further and/or in the alternative to the other claims made elsewhere herein, at all material times, the Defendant, Alberta (Minister of Infrastructure), was the owner of the lands and buildings legally described, as far as is known to the Plaintiffs, as:

FIRST
 MERIDIAN 5 RANGE 2 TOWNSHIP 25
 Section 27

QUARTER NORTH WEST
 EXCEPTING THEREOUT ALL MINES AND MINERALS
 AND THE RIGHT TO WORK THE SAME
 AREA: 64.7 HECTARES (160 ACRES) MORE OR LESS

SECOND
 MERIDIAN 5 RANGE 2 TOWNSHIP 25
 Section 27
 QUARTER SOUTH WEST
 EXCEPTING THE ROADWAY ON PLAN 610JK
 CONTAINING 0.21 OF AN ACRE
 EXCEPTING THEREOUT ALL MINES AND MINERALS
 AND THE RIGHT TO WORK THE SAME

(the “**Calgary Remand Centre**”)

121. In the event that, the Calgary Remand Centre, was at all material times, not the owner and/or operator of the Calgary Remand Centre, the Calgary Remand Centre was owned and/or operated by one of the AAA Government Organizations Defendants or a BBB Companies Limited Defendant.
122. At all material times, the Defendant, Alberta (Minister of Infrastructure), was the owner of the lands and buildings legally described, as far as is known to the Plaintiffs, as:

PLAN 0023376
 LOT 2
 CONTAINING 29.76 HECTARES (73.54 ACRES) MORE OR LESS
 EXCEPTING THEREOUT:
 HECTARES (ACRES) MORE OR LESS
 A) PLAN 0221071 RIGHT OF WAY 1.834 4.53 (AREA "B6")
 (TRANSPORTATION/UTILITY CORRIDOR)
 EXCEPTING THEREOUT ALL MINES AND MINERALS

(the “**Edmonton Remand Centre**”)

123. In the event that, the Edmonton Remand Centre, was at all material times, not the owner and/or operator of the Edmonton Remand Centre, the Edmonton Remand Centre was owned and/or operated by one of the AAA Government Organizations Defendants or a BBB Companies Limited Defendant.
124. Collectively hereinafter, such owners and/or operators, the Defendants, Alberta (Minister of Infrastructure), such relevant AAA Government Organizations, or such relevant BBB Companies Limited, shall be referred to as the “**Remand Centre Defendants**”.
125. The Remand Centre Defendants, were all material times, an “occupier” of the Calgary Remand Centre and the Edmonton Remand Centre as defined in the *Occupiers' Liability Act*, RSA 2000, c O-4, as amended (the “**Occupiers' Liability Act**”).

126. Artur was, between February 8 and March 30, 2022, lawfully at the Calgary Remand Centre or the Edmonton Remand Centre as a “visitor” as defined in the *Occupiers' Liability Act*.
127. The incidents and injuries described herein were caused by the breach of the Defendants of the common duty of care owed by the Defendants to Artur under Sections 5 and 6 under the *Occupier's Liability Act* and/or by the negligence of the Remand Centre Defendants, or its employees, agents, and officers, for which the Remand Centre Defendants are vicariously liable, particulars of which negligence includes, but is not limited to the following:
- (a) Failure to provide safe and humane detention conditions, including adequate space, ventilation, and appropriate temperature control in the holding cells.
 - (b) Imposing excessively harsh treatment, such as unnecessary and prolonged solitary confinement and denial of basic necessities like bedding, appropriate clothing, and personal hygiene facilities.
 - (c) Denial of proper medical care and attention, particularly regarding Artur's injuries sustained during arrest and his subsequent health issues arising from detention conditions.
 - (d) Infringing upon Artur's religious freedoms by initially denying access to a Bible and personal religious items, and later, when provided, complicating his ability to utilize them by withholding his prescription glasses.
 - (e) Engaging in unnecessary, humiliating, and degrading treatment, including invasive searches and surveillance during private moments, contrary to the standards of dignity and respect owed to detainees.
 - (f) Such other and further particulars as shall be proved at the trial of this action.
128. As a result of the breach by the Remand Centre Defendants of the common duty of care under Sections 5 and 6 of the *Occupier's Liability Act* and/or the negligence of the Remand Centre Defendants, Artur suffered personal injuries, some particulars of which include:
- (a) Physical injuries, such as ongoing back pain resulting from being confined in cramped and inadequate spaces for extended periods, and aggravated by the lack of appropriate sleeping arrangements and the forced maintenance of uncomfortable positions;
 - (b) Psychological and emotional trauma stemming from the inhumane and degrading treatment during his detention, including the impact of solitary confinement, harassment, and intimidation tactics;

- (c) Health issues arising from inadequate detention conditions, including eye strain and severe headaches due to incorrect prescription glasses, and stress-related conditions from the prolonged and unjustified isolation;
 - (d) Ongoing mental anguish and distress due to the treatment received, which has had a lasting impact on Artur's psychological well-being and quality of life; and
 - (e) Such other and further particulars as shall be proved at the trial of this action.
129. These injuries and their consequences represent a significant violation of the duty of care owed by the Defendants and have had a profound and enduring impact on Plaintiffs' life.
130. Further particulars in respect of the detainment and imprisonment and abuse of the Plaintiffs, and each of them, by the Defendants at the Defendants' facilities are described elsewhere herein — including but limited to descriptions of the Unlawful Conduct and the physical and mental injuries suffered by the Plaintiffs at the hands of the Defendants — and the Plaintiffs adopt and repeat such particulars and details hereunder as the same relates to any of the Remand Centre Defendants' liability under the *Occupier's Liability Act* and any claims pursuant thereto.

Harassment

131. Some the particulars in respect of the allegations of harassment of the Plaintiffs by the Defendants, have been elsewhere described herein as Unlawful Conduct, and otherwise, and are furthermore set forth hereunder.
132. The Defendants engaged in repeated communications, threats, or other harassing behaviour against the Plaintiffs that they knew or ought to have known was unwelcome and which impugned the dignity of the Plaintiffs, caused them to fear for their safety or the safety of their loved ones, or caused foreseeable emotional distress. Particulars of this harassment include, but are not limited to, the following:
- (a) During his 52-day incarceration in the Calgary and Edmonton Remand Centres, Artur was subjected to various forms of psychological intimidation and threats from Remand officials, details of which are particularized above.
 - (b) The Plaintiffs, both law-abiding citizens with no criminal records, were arbitrarily subjected to numerous arrests, unnecessary surveillance, and other unwelcome actions from CPS, AHS, and various other Defendants.
 - (c) Such further and other particulars as shall be proved at the trial of this action.
133. The Defendants' harassment has caused a profound and enduring adverse impact on the Plaintiffs' lives.

Battery and assault

134. Some the particulars in respect of the allegations of the Defendants' battery and assault of the Plaintiffs, have been elsewhere described herein as Unlawful Conduct, and otherwise, and are furthermore set forth hereunder.
135. The Plaintiffs plead that they were intentionally subjected to unlawful force by one or more Defendants, the details of which include:
- (a) On February 8, 2022, Artur was forcefully dropped down five concrete steps by the Police outside his home during his arrest, causing injury to his shoulder;
 - (b) On various occasions, Artur and Dawid were subjected to strip searches and placed in uncomfortable and restrictive conditions during their detentions; and
 - (c) Such other instances of battery and assault as shall be proved at the trial of this action.
136. The Plaintiffs plead that one or more Defendants intentionally created within them an apprehension of imminent harm or offensive contact, the details of which include:
- (a) Remand nurses, guards, or other remand authorities threatening to stick Artur with an IV should he continue engaging in his religious observance of fasting.
 - (b) Such other instances of battery and assault as shall be proved at the trial of this action.
137. The Defendants, and each of them, are vicariously liable for the torts committed by their employees, contractors, delegates, and agents in the course of carrying out their duties.

Conspiracy

138. Some the particulars in respect of the allegations of the Defendants' conspiracy against Plaintiff(s), have been elsewhere described herein as Unlawful Conduct, and otherwise, and are furthermore set forth hereunder.
139. Beginning in 2020, or earlier, and continuing beyond 2022, the Defendants, or any combination of them, by a series of continuing acts and Unlawful Conduct, conspired to cause public humiliation, damages, mental and physical injuries, and violation of the constitutional, Charter, and civil rights of the Plaintiffs. Further and for better clarity, the Defendants, each of them and any combination of them, used lawful and/or unlawful means and engaged in Unlawful Acts for the aforementioned conspiracy, among other reasons.
140. Further and/or in the alternative, the Defendants' ought to have known that the harm done to the Plaintiff(s) was likely and did in fact result from their acts and omissions.

141. Such other particulars in respect of the Defendants' conspiracy against the Plaintiff(s) are known to the Defendants, and/or each of them, and shall be proved at the trial of this action.

Charter infringements

142. The Defendants, and each of them, violated the constitutional rights of the Plaintiffs as set out in the Charter and in other legislation.
143. Some the particulars in respect of the Defendants' violation of the rights of the Plaintiffs, have been elsewhere described herein as Unlawful Conduct, and otherwise, and are furthermore set forth hereunder.
144. The actions of AHS in taking steps to enforce the CMOH Orders were taken at the behest or on behalf of the government so as to attract Charter scrutiny.
145. Artur pleads that the Defendants violated his right to freedom of religion under Section 2(a) of the Charter, to freedom of expression under Section 2(b) of the Charter, to freedom of peaceful assembly under Section 2(c) of the Charter, or to freedom of association under Section 2(d) of the Charter by, among other things:
- (a) Unlawfully detaining him and denying him access to his religious texts and practices, which significantly hindered his ability to practice his faith, express his religious beliefs, and gather with others for religious purposes;
 - (b) Enforcing the Injunction and Amended Injunction, which did not name him and were not served upon him, thereby restricting his freedom to express his religious and political views and assemble peacefully;
 - (c) Subjecting Artur to multiple arrests and detentions, which were carried out in a manner that effectively punished him for his religious and expressive activities, thereby chilling his and others' willingness to engage in similar constitutionally protected activities;
 - (d) Imposing conditions upon Artur that unreasonably restricted his ability to communicate his religious and political beliefs, particularly the conditions related to his use of social media, being the Qualified Speech Provision;
 - (e) Placing Artur in arbitrary isolation during his 52-days in the Calgary and Edmonton Remand Centres, inhibiting him from assembling with others for over forty-five (45) days; and
 - (f) Such other and further violations as may be proven at the trial of this Action.
146. Artur pleads that the Defendants violated his right to life, liberty, and security of the person under Section 7 of the Charter, to not be arbitrarily detained under Section 9 of the Charter,

to be informed as to reasons for detention under Section 10(a) of the Charter, to counsel under Section 10(b) of the Charter, to be presumed innocent under Section 11(d) of the Charter, or to not be subjected to cruel and unusual punishment under Section 12 of the Charter by, among other things:

- (a) Failing to provide him with prompt or sufficiently detailed information with respect to the charges against him, or for the reasons of his arrest, during the course of his arrests on 8 May 2021, 27 September 2021, 1 January 2022, 28 January 2022, and 8 February 2022;
 - (b) Denying his right to counsel, such as by not informing him of his counsel's communications during his May 2021 detainment, not providing the Injunction or Amended Injunction to Ms. Miller, and interfering with Ms. Miller's attempts to maintain unmonitored communication with Artur during his February–March detainment;
 - (c) Arbitrarily detaining him despite Artur not having a criminal record or being a flight risk. In May 2021, Artur was detained from the afternoon of May 8 until the evening of May 10 for allegedly breaching an Injunction that did not name him nor had been served on him. Artur was also arbitrarily detained on or around:
 - (i) September 27, 2021, for allegedly breaching the Amended Injunction, despite it not naming him and not having been served on him, and despite the subject event itself, being the June 5, 2022, baptism service, not constituting an "Illegal Public Gathering" as defined in the CMOH Orders;
 - (ii) January 1, 2022, for no reason after engaging in a peaceful protest;
 - (iii) January 28, 2022, for fabricated charges; and
 - (iv) February 8 to March 30, 2022, when a simple release condition (i.e., that Artur not return to the Coutts area) would have been more than sufficient;
 - (d) Subjecting him to cruel and unusual punishment, as particularized above, including during his May 2021 arrest and detainment; his January 1, 2022, arrest and detainment; and his February 8, 2022, arrest and subsequent detainment, the latter involving an excessive and unnecessary forty (45) days' isolation and other egregious and equally unnecessary punishment; and
 - (e) Such other and further violations as may be proven at the trial of this Action.
147. Artur pleads that the Defendants violated his right not to be denied reasonable bail without just cause under Section 11(e) of the Charter by, among other things:
- (a) Denying him bail in February 2022 despite the fact that he was not a flight risk and did not have criminal record, and despite the fact that a conditional release subject

to a simple release condition (i.e., that Artur not return to the Coutts area) would have been more than sufficient; and

- (b) Such other and further violations as may be proven at the trial of this Action.
148. Artur pleads that his right against unreasonable search and seizure was breached by the Defendants' tampering with or otherwise searching his electronic devices unlawfully and further as shall be proved at the trial of this action.
149. Dawid pleads that the Defendants violated his right to freedom of religion under Section 2(a) of the Charter, to freedom of expression under Section 2(b) of the Charter, to freedom of peaceful assembly under Section 2(c) of the Charter, or to freedom of association under Section 2(d) of the Charter by, among other things:
- (a) Unlawfully detaining him, which significantly hindered his ability to practice his faith, express his religious beliefs, and gather with others for religious purposes;
 - (b) Enforcing the Injunction and Amended Injunction, which did not name him and were not served upon him, thereby restricting his freedom to express his religious and political views and assemble peacefully;
 - (c) Subjecting Dawid to multiple arrests and detentions, which were carried out in a manner that effectively punished him for his religious and expressive activities, thereby chilling his and others' willingness to engage in similar constitutionally protected activities;
 - (d) Imposing conditions upon Dawid that unreasonably restricted his ability to communicate his religious and political beliefs, particularly the conditions related to his use of social media, being the Qualified Speech Provision; and
 - (e) Such other and further violations as may be proven at the trial of this Action.
150. Dawid pleads that the Defendants violated his right to life, liberty, and security of the person under Section 7 of the Charter, to not be arbitrarily detained under Section 9 of the Charter, to be informed as to reasons for detention under Section 10(a) of the Charter, to counsel under Section 10(b) of the Charter, to be presumed innocent under Section 11(d) of the Charter, or to not be subjected to cruel and unusual punishment under Section 12 of the Charter by, among other things:
- (a) Failing to provide him with prompt or sufficiently detailed information with respect to the charges against him, or for the reasons of his arrest, during the course of his arrests on 8 May 2021 and 1 January 2022;
 - (b) Denying his right to counsel, such as by not informing him of his counsel's communications during his May 2021 detainment and not providing the Injunction to Ms. Miller;

- (c) Arbitrarily detaining him despite Dawid not having a criminal record or being a flight risk. In May 2021, Dawid was detained from the afternoon of May 8 until the evening of May 10 for allegedly breaching an Injunction that did not name him nor had been served on him. Artur was also arbitrarily detained on January 1, 2022, for no reason after engaging in a peaceful protest;
- (d) Subjecting him to cruel and unusual punishment, as particularized above, including during his May 2021 arrest and detainment and his January 1, 2022, arrest and detainment; and
- (e) Such other and further violations as may be proven at the trial of this Action.

Punitive and aggravated damages

- 151. As set out in the detail of this claim, the unlawful acts and omissions, breaches, Unlawful Conduct, and otherwise unlawful behaviour of the Defendants, and each of them, was reprehensible and showed a callous disregard for the rights of the Plaintiffs.
- 152. The conduct of the Defendants, and each of them, was deliberate, malicious, targeted, and represented a marked departure from the ordinary standards of decent behaviour, the purpose of which, among other things, was to injure the Plaintiffs.
- 153. Compensatory damages are insufficient in this case. A punitive, aggravated, and/or exemplary damage award is necessary to express society's condemnation of the conduct engaged in by the Defendants, and each of them, and to achieve the goals of both specific and general deterrence.
- 154. The Plaintiffs state that the Defendants Unlawful Conduct, acts, omissions, breaches, and other behaviour as aforementioned, and elsewhere described herein, constitute malicious, wanton, reckless, reprehensible, and high-handed conduct and are deserving of punitive sanction, aggravated, and/or exemplary damages.
- 155. The Plaintiffs state, and the fact is, the Defendants acted in bad faith.

Miscellaneous

- 156. The Plaintiffs plead and rely upon the provisions of:
 - (a) *Alberta Bill of Rights*, RSA 2000, c A-14, as amended;
 - (b) *Alberta Human Rights Act*, RSA 2000, c A-25.5, as amended including any regulations thereto;
 - (c) *Canadian Charter of Rights and Freedoms*, as amended;
 - (d) *Contributory Negligence Act*, RSA 2000, c C-27, as amended;

- (e) *Tort-Feasors Act*, RSA 2000, c T-5; as amended;
 - (f) *Occupier's Liability Act*, RSA 2000, c O-4, as amended including any regulations thereto;
 - (g) *Judicature Act*, RSA 2000, c J-2, as amended;
 - (h) *Jury Act*, RSA 2000, c J-3, as amended including any regulations thereto;
 - (i) *Police Act*, RSA 2000, c P-17, as amended including any regulations thereto;
 - (j) *Peace Officer Act*, RSA 2000, c P-3.5, as amended including any regulations thereto;
 - (k) *Police Service Regulation*, Alta Reg 356/1990, as amended;
 - (l) *Regional Health Authorities Act*, RSA 2000, c R-10, as amended and regulations thereto;
 - (m) *Proceedings Against The Crown Act*, RSA 2000, c P-25, as amended and any regulations thereto;
 - (n) *Canada Post Corporation Act*, RSC 1985, c C-10, as amended and any regulations thereto;
 - (o) Such other and further legislation as Counsel may advise and this Honourable Court consider given the circumstances of this Action.
157. The Plaintiffs state that the trial of this Action should take place in the judicial district of Calgary at the Calgary Court Centre.
158. The Plaintiffs plead and reserve their right to have this action tried by a jury.
159. The Plaintiffs believe that the trial of this action should take no longer than thirty (30) days.

REMEDY SOUGHT

160. The Plaintiff, Artur Pawlowski, claims against the Defendants, jointly and severally:
- (a) A Declaration that Artur's rights were violated;
 - (b) General damages in the estimated sum of \$500,000.00;
 - (c) Damages pursuant to Section 24 of the Charter in amounts to be determined at the trial of this action;
 - (d) Special damages in the estimated sum of \$250,000.00;

- (e) Punitive, aggravated, and/or exemplary damages in the estimated amount of \$1,000,000.00;
- (f) Such further and other general and special damages as shall be proved at the trial of this action;
- (g) Future loss of housekeeping capacity, future loss of earnings and future loss of earning potential in such amounts as shall be proved at the trial of this action;
- (h) Future care costs in such amounts as shall be proved at the trial of this action;
- (i) Interest pursuant to the *Judgment Interest Act*, RSA 2000, c J-1;
- (j) Any and all Goods and Services Tax payable on all judgment amounts, including costs, pursuant to the *Excise Tax Act*, RSA 1985, c E-15, as amended;
- (k) Costs of this action on a solicitor-client basis and disbursements; and
- (l) Such further and other relief as this Court deems meet and just given the circumstances.

161. The Plaintiff, Dawid Pawlowski, claims against the Defendants, jointly and severally:

- (a) A Declaration that Dawid's rights were violated;
- (b) General damages in the estimated sum of \$500,000.00;
- (c) Special damages in the estimated sum of \$250,000.00;
- (d) Damages pursuant to Section 24 of the Charter in amounts to be determined at the trial of this action;
- (e) Punitive, aggravated, and/or exemplary damages in the estimated amount of \$1,000,000.00;
- (f) Such further and other general and special damages as shall be proved at the trial of this action;
- (g) Future loss of housekeeping capacity, future loss of earnings and future loss of earning potential in such amounts as shall be proved at the trial of this action;
- (h) Future care costs in such amounts as shall be proved at the trial of this action;
- (i) Interest pursuant to the *Judgment Interest Act*, RSA 2000, c J-1;
- (j) Any and all Goods and Services Tax payable on all judgment amounts, including costs, pursuant to the *Excise Tax Act*, RSA 1985, c E-15, as amended;

- (k) Costs of this action on a solicitor-client basis and disbursements; and
 - (l) Such further and other relief as this Court deems meet and just given the circumstances.
162. The Plaintiffs seek against the Defendants, and each of them, the following:
- (a) An Order that the Defendants, and each of them, preserve and produce the following material and relevant disclosure, information, and production in this action:
 - (i) Full and complete disclosure of all internal email correspondence, notes, text messages, meeting notes, meeting agendas, meeting memoranda, letters, voicemails, electronic correspondence of other varieties, and any and all relevant internal document materials pertaining to the particulars plead herein or to the investigation, arrest, detention, and prosecution of the Plaintiffs.
 - (ii) Full and complete disclosure of all relevant materials produced by the Defendants' relative to the consideration, investigation, arrest, detention, and prosecution of the Plaintiffs. This includes, but is not limited to officer notes, body camera footage, closed-circuit video footage, the product of analog and digital surveillance and/or investigations, electronic wire and/or device taps, photographs, audio recordings, other video recordings and any other relevant disclosure and production of any and all material concerning the Plaintiffs.
163. The Plaintiff(s) seek an Order for the consolidation of this action with any further actions yet to be filed by the Plaintiff(s) against other parties which arise from the same set of facts, the same transactions, the same set of circumstances, and which share common elements.

NOTICE TO THE DEFENDANT(S)

You only have a short time to do something to defend yourself against this claim:

20 days if you are served in Alberta

1 month if you are served outside Alberta but in Canada

2 months if you are served outside Canada.

You can respond by filing a statement of defence or a demand for notice in the office of the clerk of the Court of King's Bench at Calgary, Alberta, AND serving your statement of defence or a demand for notice on the plaintiff's(s') address for service.

WARNING

If you do not file and serve a statement of defence or a demand for notice within your time period, you risk losing the lawsuit automatically. If you do not file, or do not serve, or are late in doing either of these things, a court may give a judgment to the plaintiff(s) against you.