

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

FRASER HEALTH AUTHORITY

PETITIONER

AND:

ALICE JONGERDEN carrying on business as
HOME ON THE RANGE, JANE DOE and JOHN DOE

RESPONDENTS

NOTICE OF CONSTITUTIONAL QUESTION

(*Constitutional Question Act, s. 8(2)*)

TO: Attorney General of Canada
AND TO: Attorney General of British Columbia
AND TO: The Petitioner and its solicitors


TAKE NOTICE that the Respondent, Alice Jongerden, seeks a constitutional remedy within the meaning of s. 8(1) of the *Constitutional Question Act*, R.S.B.C. 1996, c. 68 in this proceeding.

1. The nature of the constitutional remedy sought by the Defendant is:
 - (a) An Order pursuant to ss.7 and 52 of the *Canadian Charter of Rights and Freedoms* declaring s.7 of the *Public Health Act Transitional Regulation* to be of no force and effect.

2. The rights or freedoms that the Defendant alleges to be infringed by the conduct of the Plaintiff in bringing and pursuing this action against him are:
 - (a) The right to liberty and security of the person, as guaranteed by s.7 of the *Canadian Charter of Rights and Freedoms*.

3. The date on which the application for the constitutional remedy will be argued is to be determined. The application will be set for scheduling purposes for February 7, 2011.
4. Particulars necessary to show the point to be argued are set out in the attached Notice of Application dated January 19, 2011.

Dated this 19th of January, 2011



Jason Gratl
Gratl & Company
302-560 Beatty Street
Vancouver, B.C. V6B 2L3
Tel: 604-694-1919
Fax: 604-608-1919

This Notice was prepared by Gratl & Company, Barristers & Solicitors, with an address for service at
302-560 Beatty Street, Vancouver, B.C. V6B 2L3 Tel: 604-694-1919 Fax: 604-608-1919