

COURT FILE NUMBER	KBG – RG- <u>00656</u> – 2023
COURT OF KING'S BENCH FOR SASKATCHEWAN	
JUDICIAL CENTRE	REGINA
PLAINTIFFS	ACIA RIZVI, ACIA RIZVI PROFESSIONAL CORPORATION
DEFENDANTS	SASKATCHEWAN HEALTH AUTHORITY, MANDIANGU NSUNGU, COLLEGE OF DENTAL SURGEONS OF SASKATCHEWAN, GERRY USWAK

### NOTICE TO DEFENDANT

- The plaintiff may enter judgment in accordance with this Statement of Claim or the judgment that may be granted pursuant to *The King's Bench Rules* unless, in accordance with paragraph 2, you:
  - serve a Statement of Defence on the plaintiff; and
  - file a copy of it in the office of the local registrar of the Court for the judicial centre named above.
- The Statement of Defence must be served and filed within the following period of days after you are served with the Statement of Claim (excluding the day of service):
  - 20 days if you were served in Saskatchewan;
  - 30 days if you were served elsewhere in Canada or in the United States of America;
  - 40 days if you were served outside Canada and the United States of America.
- In many cases a defendant may have the trial of the action held at a judicial centre other than the one at which the Statement of Claim is issued. Every defendant should consult a lawyer as to his or her rights.
- This Statement of Claim is to be served within 6 months from the date on which it is issued.
- This Statement of Claim is issued at the above-named judicial centre on the 13<sup>th</sup> day of March, 2023.

DATED at Regina, Saskatchewan, this 13<sup>th</sup> day of March 2023.

J. LEZON  
BY LOCAL REGISTRAR

  
Local Registrar

SEAL

## STATEMENT OF CLAIM

### The Parties

1. The Plaintiff, Acia Rizvi (Dr. Rizvi) is a Doctor of Medical Dentistry practicing in Lloydminster, Alberta.
2. The Plaintiff, Acia Rizvi Professional Corporation (Acia Rizvi PC) is a professional corporation located in Lloydminster, Alberta operating a dental clinic. Acia Rizvi PC is incorporated pursuant to the laws of the Province of Alberta and carries on business under the business name Orion Dental Group (Orion).
3. The Defendant, Saskatchewan Health Authority (SHA) the Saskatchewan Health Authority (the "SHA"), is a not-for-profit corporation established under *The Provincial Health Authority Act*, SS 2017, c P-30.3.
4. The Defendant, Mandiangu Nsungu (Dr. Nsungu) is a physician and the Medical Health Officer for the Prairie North Region of the SHA.
5. The Defendant, College of Dental Surgeons of Saskatchewan (CDSS) is the regulatory body responsible for licensing and regulating dentists in Saskatchewan and is a corporation pursuant to *The Dental Disciplines Act*, SS c.D-4.1.
6. The Defendant, Gerry Uswak (Dr. Uswak) is a Doctor of Medical Dentistry and at all material times was either the incoming Registrar or the Registrar of the CDSS.
7. At all material times Dr. Rizvi operated a dental clinic within the City of Lloydminster, in the Province of Alberta (the Lloydminster Clinic) through Acia Rizvi PC. Also, Dr. Rizvi, through her Saskatchewan professional corporation, Dr. A. Rizvi Dental Prof Corp, operated dental clinics in Saskatchewan, specifically in Regina and Lumsden.

8. The Plaintiffs are registered members of their governing authority, the College of Dental Surgeons of Alberta (CDSA). Dr. Rizvi and Dr. A. Rizvi Dental Prof. Corp. are registered members of the CDSS.
9. On March 16, 2020, Alberta made a public health order and among other restrictions, imposed limitations on dental care restricting services to providing Emergent care. The CDSA on March 18, 2020 ordered member dentists to limit their practice to Emergent care. On May 14, 2020 Alberta implemented Stage I of Alberta's Relaunch Strategy that included the re-opening of medical and dental services restricted under the public health order.
10. On March 18, 2020 Saskatchewan made an Emergency Order under *The Emergency Planning Act*, SS c.E-8.1 providing broad powers to address the COVID-19 pandemic. On March 24, 2020 dental clinic services were limited to only Emergent care. On May 4, 2020 Saskatchewan implemented Phase I of the Re-Open Saskatchewan Plan that included the re-opening of dental services restricted under the public health order issued on March 24, 2020.
11. On May 14, 2020, the Lloydminster Clinic reopened and operated pursuant to the rules imposed by the CDSA and Alberta Health Services (AHS).
12. After re-opening, the requirements for patient care included all dentists, hygienists and auxiliary staff in close patient contact be outfitted in complete personal protective equipment (PPE) when treating patients or providing patient care. The CDSA instructed registrants that any contact between dental staff wearing PPE and a patient would not be considered close personal contact for tracing purposes.
13. Proper contact tracing protocol was followed by the Plaintiffs and their employees, according to the protocols outlined by the CDSA, whose guidelines and protocols are based on the AHS requirements.
14. On March 14, 2021, an employee of the Lloydminster Clinic tested positive for COVID-19 (COVID).

15. On March 15, 2021, a second employee of the Lloydminster Clinic tested positive for COVID. This second employee was a dental hygienist.
16. On March 18, 2021, the SHA received a positive test result from a third employee of the Lloydminster Clinic. This employee had not been at the clinic since March 10, 2021. This staff member had complained of the onset of a preexisting condition of chronic migraines on March 8, 2021.
17. On March 15, 2021, contact tracing agents of the SHA contacted the Lloydminster Clinic and spoke to staff to determine contact tracing. The staff were informed that there had been two positive tests among the Lloydminster Clinic staff.
18. The Lloydminster Clinic had 9 employees, in addition to Dr. Rizvi. There was one dental hygienist, two dental assistants, one sterilization technician, two office managers, two receptionists and one administrative assistant.
19. On March 15, 2021, SHA contact tracing staff spoke with by telephone with the staff members other than the three testing positive. The hygienist testing positive was said to be a low contact risk due to wearing PPE. Later that day, SHA staff demanded a list of patients with whom this hygienist had come into contact between March 8-11, 2021.
20. Dr. Rizvi contacted the contact tracing agent as part of the contact tracing protocol. After speaking with Dr. Rizvi about her low risk of contact, the contact tracing agent demanded a list of patients who had been seen by the hygienist. Dr. Rizvi requested to speak with the contact tracing agents' supervisor, and she was advised someone would contact her. Later that day, Dr. Nsungu left a message for Dr. Rizvi.
21. During the evening of March 15, 2021, Dr. Rizvi returned Dr. Nsungu's earlier telephone message. Dr. Nsungu demanded the names of all patients who had attended at the Lloydminster Clinic and were seen by the hygienist between March 8, 2021, and March 11,

2021. Dr. Nsungu advised that these names were required to be provided pursuant to the SHA assessment criteria for close contacts.
22. In response to Dr. Nsungu's demand, Dr. Rizvi advised that before releasing patient information she needed to ensure she was compliant with Alberta's *Health Information Act* (HIA). Dr. Rizvi went on to inform Dr. Nsungu that the Lloydminster Clinic operated under the jurisdiction of the AHS and the CDSA and that she needed to speak with her regulator before releasing the requested information.
23. Dr. Rizvi states in response to her statement that she needed to confirm that she could comply with the demand for release of private medical information, Dr. Nsungu stated that he was the only person with authority. He called Dr. Rizvi a criminal and he said by refusing to immediately provide the demanded patient information she was engaging in criminal behavior. In addition, Dr. Nsungu stated that the Lloydminster Clinic would be put on the Saskatchewan Provincial COVID outbreak center list if the patient information was not provided to him.
24. Dr. Rizvi states she became upset and expressed her understanding that the HIA set the rules for disclosure of patient information and that her licensing as a dentist was under the authority of the CDSA. She ended the call indicating she could not provide the demanded information until she spoke with the CDSA.
25. On the morning of March 16, 2021, Dr. Rizvi contacted the CDSA for direction as to whether she could release patient information to the SHA and Dr. Nsungu. The CDSA confirmed that her dental activities in Lloydminster were under the jurisdiction of the CDSA and that the AHS criteria were applicable including compliance with the HIA. Dr. Rizvi was instructed by the CDSA that she was not to release any patient information to the SHA.
26. Dr. Rizvi forwarded the information she received from the CDSA to Dr. Nsungu, setting out when SHA measures applied in Lloydminster, including the exception for self-regulating professionals in Lloydminster, to whom the Alberta Orders and protocols applied. She

informed Dr. Nsungu that she had been instructed by the CDSA not to release patient information to the SHA.

27. On March 16, 2021, the Lloydminster Clinic contacted the patients who were in contact with the hygienist who had tested positive.
28. On March 16, 2021, SHA contact tracing staff contacted the Lloydminster Clinic and demanded of the receptionist the immediate release of patient names or the Lloydminster Clinic would be placed on the Saskatchewan COVID outbreak center list.
29. On the morning of March 17, 2021, Dr. Nsungu spoke with the receptionist of the Lloydminster Clinic and left a message on Dr. Rizvi's cell phone demanding the release of patient information and stating if the demand was not satisfied, the Lloydminster Clinic would be put on the Saskatchewan COVID outbreak center list.
30. Later on the morning of March 17, 2021, Dr. Rizvi telephoned Dr. Nsungu. She informed him that CDSA had advised her not to disclose the patient information. Dr. Nsungu stated that he would publish Dr. Rizvi's name in the media if she didn't provide the patient information and would place the Lloydminster Clinic on the Saskatchewan COVID outbreak center list. Dr. Rizvi states that she asked him not to do that and stated that this would negatively impact her business , damage her reputation and damage her financially .
31. SHA contact tracing agents continued to contact the Lloydminster Clinic demanding patient information including leaving a message on March 17, 2021, threatening to put the Lloydminster Clinic on the COVID outbreak center list.
32. On March 17, 2021, the SHA and CDSA and AHS held a conference call to discuss reporting obligations for dental clinics operating in Lloydminster. The Plaintiffs were not made aware of this meeting and were not asked to be on the conference call.
33. Dr. Rizvi was informed that evening by the CDSA a decision was reached on the conference call and that Dr. Rizvi was to follow the health guidelines, directions and orders of the SHA.

34. On March 18, 2021, the Lloydminster Clinic provided all the requested patient information directly to Dr. Nsungu by secure email. Dr. Nsungu responded by demanding staff names and phone numbers.
35. Later on March 18, 2021, Dr. Rizvi spoke with Dr. Nsungu concerning requests for personal information for the Lloydminster Clinic staff. Dr. Rizvi confirmed that on the morning of March 15, 2021 all her staff, other than the three who had tested positive for COVID, had spoken with the SHA contact tracing agents and had provided their personal information directly at that time.
36. Dr. Nsungu claimed that the contact tracing agents only had employee information for the three who had tested positive. Again Dr. Nsungu stated that if the demand for information wasn't provided in the form satisfactory to him, the name of her clinic would be published in the media. He also stated that as a third employee had tested positive the Lloydminster Clinic was immediately going to be put on the Saskatchewan COVID outbreak center list.
37. On March 18, 2021, Dr. Nsungu, in email correspondence at 11:54 pm to Dr. Rizvi, stated that with a third confirmed case the outbreak definition had been met beyond doubt and a COVID 19 outbreak at the clinic had been declared. He indicated the outbreak had been reported to the Ministry of Health and the Ministry listed all outbreak centers on the SHA COVID 19 website.
38. On March 19, 2021, the SHA listed the Lloydminster Clinic on the SHA COVID 19 website as a COVID outbreak center.
39. Dr. Rizvi contacted Dr. Nsungu on March 19, 2021, to inquire about the publication on the outbreak center list. Dr. Rizvi asked about the criteria applicable to being placed on the list and asked how to get off the list.

40. Dr. Nsungu was unhelpful in his responses. He first provided a website link to a CDC outbreak manual. Dr. Rizvi requested further assistance indicating the document was over 400 pages. In the reply she was directed to the section declaring an outbreak.
41. The Plaintiffs state that on March 19, 2021 the Plaintiffs made clear to Dr. Nsungu they were willing to continue to cooperate with the demand for the staff list.
42. On March 24, 2021 the Plaintiffs provided the SHA with an employee list. Despite Dr. Nsungu advising Dr. Rizvi the employee list was necessary to assess contact tracing, Dr. Rizvi says no efforts were made by the SHA after the list was provided to contact any of her employees with respect to contact tracing.
43. On March 24, 2021, Dr. Nsungu and the SHA published a public advisory bulletin (the Bulletin) on the SHA website alerting the public to potential exposure to COVID 19 at the Lloydminster Clinic and advising the employees of the need to contact SHA because of a lack of cooperation by the Plaintiffs stating:

SHA's efforts to work with the business to obtain a list of staff working at this office have been unsuccessful. Therefore, SHA is asking all individuals who worked at this location anytime between March 8 and 11, 2021 to contact Public Health immediately [...]

44. On March 24, 2021, the SHA created an electronic post (the Tweet) on the social media website Twitter. The Tweet stated, in its entirety:

Potential COVID exposure at business in #Lloydminster: If you worked at Orion Dental Group (4109, 70 Avenue, Lloydminster, AB) btw Mar 8 & 11, 2021, contact Public Health immediately at 306-830-6047 AND immediately self-isolate & get COVID tested:

<https://www.saskhealthauthority.ca/news/releases/Pages/2021/March/Potential-COVID-exposure-Lloydminster-Mar-24.aspx>

45. On March 24, 2021, subsequent to the SHA publishing the Bulletin and Tweet, Dr. Uswak contacted Dr. Rizvi by phone identifying himself as the incoming Registrar of the CDSS. He



advised Dr. Rizvi that her actions in failing to cooperate with the SHA were professional misconduct under *The Dental Disciplines Act*, S.S. 1997, cD-4.1 (the DDA). He stated that her actions and omissions in dealing with the SHA were subject to review, investigation, and possible hearing.

46. Dr. Rizvi expressed to Dr. Uswak that if there was a complaint against her it should be under the jurisdiction of the CDSA. During this call Dr. Rizvi states she was given no opportunity to inform Dr. Uswak that she had provided all of the information requested to the SHA or that there had been were changing instructions from the CDSA with respect to Lloydminster dentists providing patient health information to the SHA. Dr. Rizvi is unaware of whether Dr. Uswak had been apprised of these facts before the call on March 24, 2021, but he made clear that he was not interested in speaking with Dr. Rizvi.
47. On March 25, 2021, Dr. Uswak sent correspondence to Dr. Rizvi providing notice that an investigation had been commenced by the Professional Conduct Committee (PCC) of the CDSS. Dr. Rizvi states Dr. Uswak failed to follow the DDA and the Bylaws in failing to have the complaint reviewed by the Registrar and in stating Dr. Rizvi had “discussed” the complaint with Dr. Uswak. Dr. Rizvi states Dr. Uswak refused to accept any information from her during the call.
48. On March 26, 2021, Dr. Uswak, as incoming Registrar of the CDSS, distributed email correspondence (the Advisory) to all CDSS registrants and the Advisory included the following:

The Saskatchewan Health Authority (SHA) is attempting to notify staff of possible exposure to COVID at Orion Dental Group, 4109 70<sup>th</sup> Avenue, Lloydminster AB. See the SHA public notification at this link. CDSS is currently gathering information on this matter.

The public can be assured that their health and safety is every dental office’s primary concern. CDSS registrants are also reminded that not following a Public Health Order at any time (not only in the midst of a global pandemic) is a serious concern and will be subject to scrutiny from appropriate authorities.

49. The Plaintiffs reiterate the SHA knew the identity of all the Lloydminster Clinic employees prior to the posting of the public advisory bulletin stating otherwise on March 24, 2021. The Plaintiffs reiterate that Dr. Rizvi was cooperating with the SHA and Dr. Nsungu from the onset of the exchanges with him. The Plaintiffs also reiterate that all employees at the Lloydminster Clinic were aware of positive COVID test results on March 15, 2021.
50. The Plaintiffs state that promptly following the publications complained of in paragraphs 43, 44 and 48 above, Dr. Rizvi, the Lloydminster Clinic and the Saskatchewan clinics received a flood of calls from professional colleagues, inquiries from employees and from the public questioning whether the Plaintiffs were properly attending to patient safety, whether Dr. Rizvi was opposed to the public health measures and whether the Plaintiffs were following the patient safety protocols.
51. The Plaintiffs' state that the Lloydminster Clinic received angry calls from the public based on the concern that Dr. Rizvi and the Lloydminster Clinic were not following COVID protocols and were placing the public at risk.
52. On March 24, 2021, due to Lloydminster media demands for a reaction to the Bulletin and the Tweet, Dr. Rizvi issued a public response to alleviate concerns of COVID in her office which was published in local media:

We ensure our office is always up to date on all COVID-19 protocols as per our governing body the Alberta Dental Association and College (ADA&C). All our staff wear the appropriate PPE and our requirements for sanitization and sterilization are in compliance with our governing body, the ADA&C. The possible contact case was identified two weeks ago for which monitoring requirements have been completed. All staff members of our office are aware of the COVID-19 protocols and we monitor for symptoms each day as we are in contact with patients and the public on a daily basis and are not always aware of who may or may not be a carrier of the virus upon interaction. We take our safety, the safety of our patients and the public very seriously. Rest assured that at Orion Dental Group we have our

patients' and the public's health in the greatest interest. At this time we are taking full direction from the SHA and are working with the area Medical Health Officer, Dr. Nsungu, who can be contacted in relation to any questions you may have regarding COVID-19.

### **Misfeasance in Public Office**

53. The Plaintiffs state Dr. Nsungu, in his position as medical health officer is a public official. The contract tracing agents acting under the direction of Dr. Nsungu are also public officials. The Plaintiffs state the acts of misfeasance committed by Dr. Nsungu and the contact tracing agents acting under his direction occurred in their capacity as public officials. The SHA is directly responsible for the wrongful acts of its public officials and is also vicariously liable for the acts of its employees.
54. Dr. Nsungu acted with malice intending to cause economic harm to Dr. Rizvi and Acia Rizvi PC in placing the Lloydminster clinic on the COVID outbreak center list and in addition by subsequently issuing the Bulletin and Tweet stating that the Lloydminster was not cooperating with the efforts of the SHA to identify employees and was thus putting employees at risk. Dr. Nsungu already had this information. The content of the Bulletin and Tweet were untrue.
55. Dr. Rizvi states after she indicated she was concerned with the legal duty imposed on her by Alberta law with respect to patient health information and requested time to consult with the ACDS, Dr. Nsungu informed Dr. Rizvi, another doctor, her failure to immediately comply with his authority was criminal and she was a criminal.
56. When threatened with having her clinic placed on the COVID outbreak center list, Dr. Rizvi expressed concern that such a step would be financially devastating and questioned how a health care clinic could be placed on the outbreak center list.

57. The repeated threats to put the Lloydminster clinic on its outbreak center list regardless of the number and timing of positive test results from Acia Rizvi PC employees demonstrate the malicious intent of Dr. Nsungu and the contract tracing agents acting under his direction. The failure of Dr. Nsungu and the SHA to follow any of the international guidelines or protocols for investigation prior to declaring the Lloydminster Clinic a COVID outbreak center demonstrates malice.
58. In directing that the SHA put the Lloydminster Clinic on the COVID outbreak center list Dr. Nsungu abused his discretion and his authority and was acting with malice intending to punish Dr. Rizvi and to cause financial harm to the Plaintiffs.
59. In addition, the subsequent untrue publications alleging the Plaintiffs were not cooperating with the medical health officer and the request for public assistance in identifying the Lloydminster Clinic employees who may have been working at the clinic to inform them of potential COVID exposure is a further demonstration of malicious intent of Dr. Nsungu to inflict harm to the Plaintiffs.
60. Dr. Rizvi states Dr. Nsungu was aware that contact tracing agents had spoken with all of the Lloydminster Clinic employees on March 15, 2021. Dr. Nsungu was aware Dr. Rizvi had initially received contrary advice from ACDS as to her responsibilities with respect to regulatory authority and disclosure of health information. Dr. Nsungu and the contact tracing staff were aware the Plaintiffs were cooperating at the time the public appeal for information was made.
61. Dr. Rizvi states further that after having published the public appeal for information, Dr. Nsungu directed a complaint be made against Dr. Rizvi to CDSS, accusing her of professional misconduct by refusing to cooperate with the SHA, something Dr. Nsungu knew was untrue.
62. In addition or in the alternative, the Plaintiffs state the acts complained of above were unlawful conduct that Dr. Nsungu was aware, or was recklessly indifferent to, that making

the untrue statements was beyond his lawful authority and the making of the statements would cause harm to the Plaintiffs.

63. The Plaintiffs state this conduct of Dr. Nsungu, and the SHA, did cause harm and loss to the Plaintiffs, including loss and damage to Dr. Rizvi's Saskatchewan clinics, in amounts which will be proven at trial.
64. The Plaintiffs state the Defendant Dr. Uswak, acting in his role as incoming Registrar of the CDSS, and the CDSS in authorizing the actions of the incoming Registrar as carrying functions pursuant to the DDA, were public officers carrying out public duties. The CDSS is also vicariously liable for the acts of its employee, Dr Uswak.
65. Dr. Rizvi states Dr. Uswak and the CDSS acted with malice intending to cause economic and professional harm and humiliation to Dr. Rizvi by sending to all dentists in Saskatchewan the Advisory, including providing a link to the SHA Bulletin and Tweet, and further stating that Saskatchewan registrants not concerned with public safety and not complying with the public health orders would be subject to discipline proceedings.
66. Dr. Rizvi further states that prior to communicating with the CDSS membership, Dr. Uswak knew or ought to have known of the inconsistent instructions Dr. Rizvi had received from the ACDS. Dr. Uswak knew or ought to have known reporting a dental clinic on the COVID outbreak center list was extremely unusual. Dr. Uswak knew or ought to have known the Plaintiffs were cooperating and had provided requested employee information to the SHA. Distributing the notice providing untrue facts demonstrates malice on the part of Dr. Uswak and the CDSS.
67. Dr. Rizvi states her attempt to provide an answer to the Bulletin was rejected outright by Dr. Uswak. Refusing to accept Dr. Rizvi's explanation before directing a PCC investigation and before sending the Advisory to all Saskatchewan registrants demonstrates malice on the part of Dr. Uswak and the CDSS.

68. In addition, Dr. Rizvi states the Advisory incorrectly informing all of Dr. Rizvi's Saskatchewan colleagues that the Plaintiffs' clinic was putting patients and staff at risk of contracting and spreading COVID, and that the Plaintiffs' were also refusing to cooperate with the medical health officer, was unlawful conduct. Dr. Uswak and the CDSS were aware, or were recklessly indifferent to, that the Advisory was beyond their authority and that distributing the Advisory was going to cause harm to the Plaintiffs.
69. The Plaintiffs state the conduct of Dr. Uswak and the CDSS did cause harm and loss to the Plaintiffs, including loss and damage to Dr. Rizvi's Saskatchewan clinics, in amounts which will be proven at trial.

### **Defamation**

70. The Plaintiffs state that the words described at paragraph 43 and 44 above from Dr. Nsungu and the SHA contained in the Bulletin and the Tweet, directly relate to Dr. Rizvi and Acia Rizvi PC and are defamatory. Identification of the Orion Clinic is an identification of the Plaintiffs, Dr. Rizvi and Acia Rizvi PC. The words contained in the Bulletin were published on the SHA COVID website and the Tweet was published on the social media website Twitter, on the SHA Twitter page, over which the SHA has control and authority.
71. The Bulletin and the Tweet were linked on the SHA website and were subsequently republished by numerous media outlets and by the CDSS.
72. The Plaintiffs complain of and intend to rely on the entirety of the words of the Bulletin and the Tweet, published by the Defendants Dr. Nsungu and the SHA.
73. The Plaintiffs state that the words in the Bulletin and the Tweet, taken in their natural and ordinary meaning, and by innuendo, meant and were understood to mean the following:
- a. That the Lloydminster Clinic was a center of uncontrolled transmission of the COVID infection;

- b. That the SHA had made efforts to work cooperatively with Dr. Rizvi and Acia Rizvi PC to obtain a list of staff working at the Lloydminster Clinic;
  - c. That despite the efforts of the SHA, the SHA had not received the required information from Dr. Rizvi and Acia Rizvi PC as of March 24, 2021;
  - d. That the responsibility of the fault for the non-receipt of information did not lie with the SHA but rather with Dr. Rizvi and Acia Rizvi PC;
  - e. That employees at the Lloydminster Clinic must immediately contact Public Health and self-isolate and were unaware of potential exposure to COVID at their workplace.
  - f. That the Lloydminster Clinic was a location of elevated risk for exposure and transmission of COVID.
  - g. That Dr. Rizvi and Acia Rizvi PC were not concerned with public safety or with the safety of their patients and employees and further they were also attempting to frustrate the efforts of the SHA in controlling the spread of the COVID virus.
74. The defamatory words published by Dr. Nsungu and the SHA in the Bulletin and the Tweet, and the innuendo arising from them, are false and were maliciously published by Dr. Nsungu and the SHA knowing that these were false, or with careless disregard as to whether these were true or not.
75. The defamation of Dr. Rizvi and of Acia Rizvi PC was conducted by Dr. Nsungu and the SHA despite timely compliance by the Plaintiffs with the demands of Dr. Nsungu and the SHA. The Bulletin and the Tweet were published around the time the COVID vaccination program in Saskatchewan had just begun when most of the population was unvaccinated. Publishing the Bulletin and the Tweet were highly discrediting to Dr. Rizvi and to Acia Rizvi PC.
76. Dr. Nsungu and the SHA undertook no effort to ensure the accuracy of the words published. The defamatory works were not directed at informing the public of a health risk, rather the purpose of the defamatory publications was to humiliate, punish and attack the reputation of the Plaintiffs.

77. As a result of the publication of the Bulletin and the Tweet and the defamatory words contained therein, the Plaintiffs have been impacted in their ability to deliver services to patients. The words of the Bulletin and the Tweet have had a significant destructive impact on the reputation of the business, and of Dr. Rizvi and have impacted the Plaintiffs' relationship with clients in a negative fashion in both Saskatchewan and Alberta. The Plaintiffs state that the defamation by Dr. Usungu and the SHA resulted in pecuniary loss caused by the injury to the Plaintiffs' reputation in addition to the damage to the Plaintiffs' reputation.
78. The Plaintiffs state that the words described at paragraph 48 above from Dr. Uswak and the CDSS contained in the Advisory directly relate to Dr. Rizvi and Acia Rizvi PC and are defamatory. Identification of the Orion Clinic is an identification of the Plaintiffs, Dr. Rizvi and Acia Rizvi PC. The words contained in the Advisory were published by Dr. Uswak and the CDSS upon emailing the Advisory to all registrants of the CDSS.
79. The Bulletin and the Tweet were linked on the SHA website and the Advisory contained a link to the Bulletin. Dr. Uswak and the CDSS republished the defamatory Bulletin and Tweet.
80. The Plaintiffs complain of and intend to rely on the entirety of the words of the Advisory , the Bulletin and the Tweet, published and republished by Dr. Uswak and the CDSS.
81. The Plaintiffs state and that the words in the Bulletin and the Tweet, taken in their natural and ordinary meaning, and by innuendo, meant and were understood to mean and the Plaintiffs repeat the particulars set out in paragraph 73 above.
82. In addition the Plaintiffs state the words in the Advisory , taken in their natural and ordinary meaning and by innuendo, meant and were understood to mean the following:
- a. The Lloydminster Clinic was a center of uncontrolled transmission of the COVID infection and reinforcing the defamatory meaning within the Bulletin and Tweet;



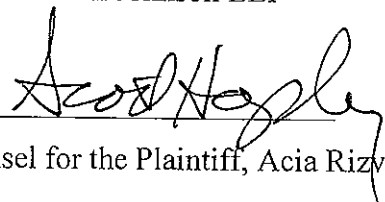
- b. Patients and staff were at risk because the Plaintiffs did not have the health and safety of their patients and staff as a primary concern;
  - c. The Plaintiffs were not cooperating with public health protocols or with the SHA and were disobeying a Public Health Order;
  - d. The Plaintiffs were going to be subject to an investigation, disciplinary consequences and perhaps other prosecution from “appropriate authorities” due to the Plaintiffs’ defiance to a Public Health Order and a refusal to cooperate with the SHA.
83. The defamatory words published by Dr. Uswak and the CDSS in the Advisory, the Bulletin and the Tweet, and the innuendo arising from them, are false and were maliciously published by Dr. Uswak and the CDSS knowing that these statements were false, or with careless disregard as to whether these were true or not.
84. Dr. Uswak and the CDSS undertook no effort to ensure the accuracy of the words published. The defamatory words were not directed at informing the registrants of the CDSS of a health risk or of informing the registrants of a finding of misconduct by another registrant, rather the purpose of the defamatory publications was to humiliate, punish and attack the reputations of the Plaintiffs.
85. As a result of the publication of the Advisory, the Bulletin and the Tweet and the defamatory words contained therein, the Plaintiffs have been impacted in their ability to deliver services to patients. The words of the Advisory, the Bulletin and the Tweet have had a significant destructive impact on the reputation of the business, and have impacted the Plaintiffs’ relationship with professional colleagues in a negative fashion in both Saskatchewan and Alberta. The Plaintiffs state the defamation by Dr. Uswak and the CDSS has diminished the Plaintiffs’ reputations in the dental profession, making it impossible to attract dentists to work for the Plaintiffs. The Plaintiffs state that the defamation by Dr. Uswak and the CDSS and injury to the Plaintiffs’ reputation has caused pecuniary loss in addition to the injury to the Plaintiffs’ reputation.

86. The Plaintiff claims against all the Defendants in tort and for defamation:

- a. General damages;
- b. Damages at large for loss of reputation;
- c. Special or pecuniary damages;
- d. Aggravated damages;
- e. Punitive damages;
- f. Pre-judgement interest on all amounts pursuant to *the Pre-Judgement Act*, SS 1984-84-86, c P-22.2;
- g. Costs of this Action on a solicitor client basis;
- h. Such further and other relief as this Honourable Court may allow.

DATED at the City of Regina in the Province of Saskatchewan, this 13 day of March, 2023

Gerrand Rath Johnson LLP

Per:   
Counsel for the Plaintiff, Acia Rizvi

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