

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

James Lansing Affleck, John Baak, Eric Bryant,
Carol Celenza, Sanda Draga, Werner Fabian, Karen Fliess,
Merle Gould, Maria Helms, Allyson McMullen, Liliana Miculescu,
Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg,
Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalecc

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

APPLICATION RECORD
Application Under Rule 14.05(3)(d) and (g.1) of the *Rules of Civil Procedure*,
R.R.O. 1990, Reg. 194

Dated April , 2018

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INDEX

TAB	DOCUMENT
1.	Fresh as Amended Notice of Application dated April 25, 2018
2.	Notice of Constitutional Question dated April 25, 2018
3.	Affidavit of Elisa Vander Hout sworn March 20, 2018
	A Notice of Appeal filed January 31, 2018
	B Decision of Nordheimer J.A. adjourning the Appeal
	C Photographs of the Canadienne breed from the Glencolton Farms
	D Cattle Records for the Glencolton for a period of twenty-nine years
	E Current cattle inventory
	F Protocol records
	G 2017 Preliminary Financial Statements of Glencolton Farms
4.	Affidavit of Paul Noble sworn April 9, 2018
5.	Affidavit of Peter D. Kennedy sworn February 9, 2018
6.	Affidavit of Margaret E. Coleman sworn April 10, 2018
	A Margaret E. Coleman, C.V.
	B Margaret E. Coleman, List of Publications
	C Slides Supporting Coleman Affidavit on Microbiota of Milks, Risks and Benefits
	D E. Yong, <i>I contain multitudes: The microbes within us and a grander view of life</i> (2016) (Random House, HarperCollins Publishers, New York, at pp. 91-99
	E R.R. Dietert, <i>The Human Superorganism: How the Microbiome is Revolutionizing the Pursuit of a Health Life</i> (2016), Dutton, NY, NY at pp. 1-6, 21-29
	F R.R. Dietert, <i>A Focus on Microbiome Completeness and Optimized Colonization Resistance in Neonatology</i> (2018), NeoReviews 19(2):e78-88

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	TTT	M. Wjst, <i>Is vitamin D supplementation responsible for the allergy pandemic</i> (2012). <i>Curr Opin Allergy Clin Immunol</i> , 12, 257-262
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	WWW	P. Lenta, <i>Freedom of conscience and the value of personal integrity</i> (2016), <i>Ratio Juris</i> , 29, 246-263
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9.	Affidavit of James Lansing Affleck sworn April 9, 2018	
10.	Affidavit of John Baak sworn April 6, 2018	
11.	Affidavit of Lois Banks sworn April 9, 2018	
12.	Affidavit of Eric Bryant sworn April 7, 2018	
	A	Excerpts from the published version of Book One of the Essen Gospel of Peace
13.	Affidavit of Carol Celenza sworn April 7, 2018	
14.	Affidavit of Sanda Draga sworn April 7, 2018	
15.	Affidavit of Werner Fabian sworn April 6, 2018	
16.	Affidavit of Karen Fliess sworn April 9, 2018	
17.	Affidavit of Merle Gould sworn April 9, 2018	
18.	Affidavit of Anca Grigorescu sworn April 9, 2018	
19.	Affidavit of Maria Helms sworn April 7, 2018	
20.	Affidavit of Andrea Lemieux sworn April 7, 2018	
21.	Affidavit of Allyson McMullen sworn April 7, 2018	

<i>TAB</i>	<i>DOCUMENT</i>
22.	Affidavit of Liliana Miculescu sworn April 7, 2018
23.	Affidavit of Era Novak sworn April 7, 2018
24.	Affidavit of Mascha Perrone sworn April 7, 2018
25.	Affidavit of Jerry Puchyr sworn April 7, 2018
26.	Affidavit of Lizia Renna sworn April 7, 2018
27.	Affidavit of Maria-Theresia Roemmelt sworn April 7, 2018
28.	Affidavit of Amy Stein sworn April 12, 2018
29.	Affidavit of Frank van den Berg sworn April 7, 2018
30.	Affidavit of Beverley Viljakainen sworn April 6, 2018
31.	Affidavit of Eleanor Zalec sworn April 7, 2018

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

James Lansing Affleck, John Baak, Eric Bryant,
Carol Celenza, Sanda Draga, Werner Fabian, Karen Fliess,
Merle Gould, Maria Helms, Allyson McMullen, Liliana Miculescu,
Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg,
Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

**FRESH AS AMENDED NOTICE OF APPLICATION
Application Under Rule 14.05(3)(d) and (g.1) of the *Rules of Civil Procedure*,
R.R.O. 1990, Reg. 194**

TO THE RESPONDENTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the Applicants. The claim made by the Applicants appears on the following page.

THIS APPLICATION will come on for a hearing on _____ at _____ a.m./p.m,
at the Court House, 393 University Avenue, Toronto, Ontario, M5G 1E6.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the applicants' lawyer or, where the applicants do not have a lawyer, serve it on the applicants, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicants' lawyer or, where the applicants do not have a lawyer, serve it on the applicants, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least two days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date: February 8, 2018..... Issued by

Local registrar

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Counsel for the Respondent, The Attorney General of Canada

APPLICATION

ORDERS REQUESTED

1. The Applicants make an application under ss. 2(a), 7, 15, 24 and 52 of the *Canadian Charter of Rights and Freedoms (Charter)* for:
 - a) an order that the Applicants be granted exemptions under s. 7(1)(11) the *Milk Act*, R.S.O. 1990, c. M.12 (*Milk Act*) and ss. 5(r.1) and 5 (r.2) of *R.R.O. 1990, Reg. 354/95, Milk and Farm – Separated Cream – Marketing* under the *Milk Act*, to allow the processing, sale and distribution of raw milk and/or raw milk products (**raw milk**) in containers having a detailed warning label advising of the risks of consuming raw milk, directly to persons who wish to purchase and consume raw milk and/or raw milk products;
 - b) an order that the Applicants be granted an exemption under s. 96(e) of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7 (*HPPA*) to permit the processing, sale and distribution of raw milk to persons who wish to consume raw milk and/or raw milk products, in containers having a detailed warning label advising of the risks of consuming raw milk;
 - c) an order that s. B.08.002.2(1) of the *Food and Drug Regulations*, C.R.C., c. 870 (*FDR*) be read down to permit an exemption for the processing, sale and distribution of raw milk to persons who wish to consume raw milk, in containers having a detailed warning label advising of the risks of consuming raw milk;
 - d) In the alternative, under s. 2(a), 7, 15 and 52 of the *Charter* for:

- i. an order declaring that portions of the *Milk Act* and its regulations are contrary to the *Charter*, unconstitutional and therefore of no force and effect;
 - ii. an order declaring that s. 18 of the *HPPA* is contrary to the *Charter*, unconstitutional and therefore of no force and effect;
 - iii. an order declaring that s. B.08.002.2(1) of the *FDR* is contrary to the *Charter*, unconstitutional and therefore of no force and effect;
- e) costs of this proceeding on a full indemnity basis; and
- f) such further and other order as the Court deems just.

GROUND OF THE APPLICATION

2. The grounds of this Application are ss. 2(a), 7, 15, 24 and 52 of the *Charter*, ss. 109 and 131 of the *Courts of Justice Act*, R.S.O. 1990, c. 43 and Rules 2, 14.05(3)(d) and (g.1), 34, 38 and 39 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.

OVERVIEW

3. The Applicants Elisa Vander Hout and Paul Noble (**Applicant Producers**) are agronomists who produce hygienic raw milk intended for human consumption. They are respectively farmers at Glencolton Farms and Elbon Shady Haven (**the Farms**). They believe, as a matter of conscience, that they owe a duty to distribute it to local consumers who want to consume it for the health benefits it provides to themselves and their children.

4. The other Applicants (**Applicant Consumers**) believe, as a matter of conscience, that they must consume raw milk because of the health benefits that it provides to them and their children. They further believe, and as studies demonstrate, consumption of raw milk is necessary for the protection of liberty and security of person of themselves and their children. One Consumer Applicant, Eric Bryant, needs to consume raw milk for the additional reason that his religion requires it and he must do so to remain faithful to his religion. One Consumer Applicant, Amy Stein, is physically unable to milk her own cow and therefore believes that the *Milk Act* and its regulations discriminate against her on the basis of physical disability.
5. The prohibitions against the sale and distribution of raw milk in the *Milk Act*, the *HPPA* and the *FDR* have deprived the Applicants of their freedom of conscience and religion. They have also deprived them of the health benefits of raw milk which are fundamental to their liberty and security of person, and have discriminated against one applicant on the basis of physical disability.
6. The Applicants seek an order under s. 24 of the *Charter* for exemptions under the *Milk Act*, the *HPPA* and the *FDR* to allow the Farms to sell and distribute raw milk at the farm-gate. This would not injure anyone or inhibit anyone from practicing beliefs and manifesting opinions of their own.
7. The Applicants have requested that the Respondents exercise their statutory and regulatory discretion to grant the requested exemptions, but the Respondents have refused to do so.

Circumstances Giving Rise to the Application

8. The Applicant Producers sold and distributed raw milk at the farm-gate for many years using a variety of cow-share co-ownership arrangements that they believed to be legal. In *Gavin Downing v. Agri-Cultural Renewal Co-operative Inc. 0/A Glencolton Farms (ARC) et al.*,¹ (**Downing Decision**), Sutherland, J. deemed that the arrangements for distributing raw milk at the Farms were contrary to the *Milk Act* and the *HPPA*.
9. Therefore, the Applicant Producers are no longer able to distribute raw milk to consumers who wish to consume it for the health benefits that it provides without the risk of being prosecuted. Correlatively, the Applicant Consumers and others are not able to obtain raw milk elsewhere without undue hardship, extraordinary expense and most importantly, the risk of consuming unhygienic underground market raw milk.

The Wide Consumption of Raw Milk

10. Approximately 1.84% of the Ontario population, or nearly 258,000 individuals drink raw milk. About 88.9% of approximately 4,000 Ontario dairy farmers and their families drink raw milk under the family farm exemption to the *Milk Act*. Individuals who choose to consume raw milk are aware of its possible risks and still choose to do so.
11. Canada is the only G8 country which makes no legal provision for the distribution and sale of raw milk.
12. Prohibiting the sale and distribution of raw milk does not minimize the potential risk. Raw milk can be obtained in the underground market, but such raw milk has no assurance of being hygienic.

¹ 2018 ONSC 128.

Types of Raw Milk

13. There are two types of raw milk. First, there is pre-pasteurized raw milk produced in anticipation of being heat treated during processing. Pre-pasteurized raw milk is unsafe for direct consumption because its hygienic quality is controlled through heat-treatment. Second, there is fresh, unprocessed, hygienically produced raw milk intended for direct consumption (**hygienic raw milk**). Farmers producing hygienic raw milk know how to produce it with minimal zoonotic risk.

Hygienic Raw Milk

14. In other countries such as Germany, long-standing laws ensure raw milk is produced hygienically by regulating it for bacteria, temperature, cleanliness and udder health. Such controls ensure that the potential risk of hygienic raw milk is low.
15. Raw milk intended for pasteurization has levels of zoonotic bacteria higher than hygienic raw milk because it relies on the heat treatment for safety. Farmers who produce raw milk hygienically, and thereby reduce zoonotic risk, have made hygienic raw milk safe. In fact, hygienic raw milk is as safe as pasteurized milk.
16. Over the last several decades, no deaths have been associated with the consumption of raw milk in Western countries.

Raw Milk Produced by the Farms is Hygienic

17. The Applicant Producers are professional agronomists. The Farms are bio-dynamic. They are diversified and balanced farm-organisms created by harmonizing the soil, vegetation, animals and workers.

18. The Applicant Producers ensure that their cows are free of any disease. They demand the utmost cleanliness of the barn: clean cows, clean water, clean mangers, fresh bedding and removal of manure twice every day. They provide gravel for lane ways where cows walk and concrete pads for storage of manure. The sanitary regulations are stringent.
19. The risk of any raw milk contamination through pathogens carried by cattle from other farms is minimized by maintaining a closed herd. New additions to the herd are birthed on the farm through line breeding or artificial insemination. No animals from other farms may be introduced into the herd and no co-mingling with animals from other farms is allowed. Veterinary assistance is on permanent standby.
20. Milking machines are cleaned twice a day, after each milking, and then sanitized. Before milking, each cow's udders are washed to ensure they are clean. Milk samples are taken and stored at every twice-a-week bottling in case follow-up testing is required.
21. The Farms follow state-of-the-art protocols dealing with cleanliness, hygiene, sanitation, production equipment cleaning and maintenance, disease-prevention and contamination-prevention, as well as milk testing. These protocols are designed to ensure that raw milk is uncontaminated by any pathogen and is hygienic raw milk.
22. There are also procedures in place to ensure contamination-free production of soft cheese, hard cheese, quark, fresh/sweet cream, sour cream, butter and cultured milk. The raw milk produced at the Farms is hygienic raw milk and meets German legal standards. The zoonotic risk of raw milk from the Farms is therefore low to non-existent.

Health Benefits of Hygienic Raw Milk

23. Raw milk is protective against asthma, allergies, hay fever, and even middle ear infections. A large number of epidemiological studies across the world show that there is a reduction of disease if hygienic raw milk is consumed starting at an early age and onwards.
24. Recent studies demonstrate that hygienic raw milk contains large numbers of naturally occurring beneficial microbes, with microbiota at densities as high as 10,000 microbes per millilitre. Exposure to the beneficial microbiota and low numbers of pathogens in hygienic raw milk is a benefit to a baby's growth and development of her healthy gastro-intestinal tract (gut) and immune system. Hence, infants require exposure to the natural milk microbiota and low doses of putative pathogens to enable healthy gut and immune systems to develop.
25. The beneficial microbes in hygienic raw milk outcompete pathogens, protect against illness, and support healthy gastro-intestinal and immune systems. Multiple clinical studies demonstrate greater benefits and lower risks for children fed hygienic raw milk rather than pasteurized milk. Hygienic raw milk resulted in significantly better growth and significantly less respiratory and gastro-intestinal illnesses and non-communicable diseases such as asthma and eczema.
26. The beneficial effects of hygienic raw milk are found not only in farm children who have well documented immunities. There is also an independent immunological effect of hygienic raw milk on non-farm children.

27. In an active study, over 500 consumers of hygienic raw milk experienced a significant increase in health and a reduction of health complaints after they started consuming hygienic raw milk. There was an even better improvement in self-reported health for those with reduced immunities and/or suffering from chronic disease.

Unjustified Concerns About Raw Milk

28. Recent studies conclusively demonstrate that natural, beneficial microbes dominate hygienic raw milk and protect against illness. This is beyond dispute.
29. Opinions of elevated risks from hygienic raw milk are oversimplifications based on weak evidence or studies representing only outdated or partial knowledge of causal factors leading to illness or health. Common perceptions have no basis in reliable scientific evidence.
30. None of the pathogens *listeriosis*, *Campylobacter*, *Salmonella*, and *E. coli* commonly thought to be risks of raw milk can compete with the naturally occurring beneficial microbes in raw milk at refrigeration temperatures.
31. No reputable scientific study demonstrates that pasteurization causes lower risk or higher benefits than hygienic raw milk with a living microbiota.
32. Studies further show that the risk of severe health consequences from pathogens associated with raw milk consumption, while present, are significantly lower than the risk per serving from other foods commonly implicated in foodborne outbreaks such as leafy green vegetables, ground beef hamburger and home-cooked chicken.

33. The government of Ontario's priority in relation to the regulation of unpasteurized milk is food safety. However, the *Milk Act*, the *HPPA* and the *FDR* do not prohibit its consumption. Therefore, the government of Ontario does not regard raw milk as enough of a food-safety hazard to warrant a prohibition against its consumption.

Relief Sought

34. The Applicants seek a remedy under ss. 2(b), 7, 15 and 24 of the *Charter* granting an exemption from the *Milk Act*, the *HPPA* and the *FDR* to allow the Applicant Producers to process, sell and distribute hygienic raw milk under the following conditions:
- (a) The Applicant Producers are required to operate under the protocols described above;
 - (b) The Applicant Producers may operate a farm-gate market and process, sell and distribute hygienic raw milk at the farm gate to consumers who wish to buy it; and
 - (c) The Applicant Producers are required to label all containers of hygienic raw milk with an appropriate label indicating that the containers contain raw milk, and warning of the potential risks of raw milk.
35. In the alternative, the Applicants seek a remedy under ss. 2(a), 7, 15 and 52 of the *Charter*, for declarations that portions of the *Milk Act* and its regulations, s. 18 of the *HPPA* and s. B.08.002.2(1) of the *FDR* are contrary to the *Charter* and unconstitutional and therefore are of no force and effect.

DOCUMENTARY EVIDENCE

36. The following documentary evidence will be used at the hearing of the application:

- (a) Affidavit of James Lansing Affleck
- (b) Affidavit of John Baak
- (c) Affidavit of Eric Bryant
- (d) Affidavit of Carol Celenza
- (e) Affidavit of Sanda Draga
- (f) Affidavit of Werner Fabian
- (g) Affidavit of Karen Fliess
- (h) Affidavit of Merle Gould
- (i) Affidavit of Maria Helms
- (j) Affidavit of Allyson McMullen
- (k) Affidavit of Liliana Miculescu
- (l) Affidavit of Paul Noble
- (m) Affidavit of Era Novak
- (n) Affidavit of Mascha Perrone
- (o) Affidavit of Jerry Puchyr
- (p) Affidavit of Maria-Theresia Roemmelt
- (q) Affidavit of Amy Stein
- (r) Affidavit of Frank van den Berg
- (s) Affidavit of Elisa Vander Hout
- (t) Affidavit of Beverley Viljakainen
- (u) Affidavit of Eleanor Zalec
- (v) Affidavit of Peter D. Kennedy
- (w) Affidavit of Nadine Ijaz
- (x) Affidavit of Ton Baars
- (y) Affidavit of Margaret E. Coleman
- (z) Such further material as counsel may advise and this Honourable Court may permit.

Dated April 25, 2018

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JAMES LANSING AFFLECK et al.
Applicants

-and-

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Respondents

Court File No. CV-18-591744

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
TORONTO

NOTICE OF APPLICATION

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**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

James Lansing Affleck, John Baak, Eric Bryant,
Carol Celenza, Sanda Draga, Werner Fabian, Karen Fliess,
Merle Gould, Maria Helms, Allyson McMullen, Liliana Miculescu,
Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
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Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

NOTICE OF CONSTITUTIONAL QUESTION

1. I, Ian A. Blue, Q.C., counsel for the Applicants, assert that this application raises the following constitutional question:
 - (a) Do sections 2(a), 7, 15 and 24 of 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 (Charter)*., entitle the Applicants, who hold, as a matter of conscience, that they should have the right to produce, sell, purchase or otherwise obtain raw milk and/or raw milk products (**raw milk**) in Ontario for the health benefits that they believe, and studies demonstrate, it provides to themselves and their families and who depend on raw milk for their security of person, to:

- (i) an order that the Applicants be granted exemptions under s. 7(1)(11) of the *Milk Act*, RSO 1990, c. M.12 (***Milk Act***) and ss. 5(r.1) and 5 (r.2) of *R.R.O. 1990, Reg. 354/95, Milk and Farm – Separated Cream – Marketing* under the *Milk Act*, to allow the processing, sale and distribution of raw milk in containers having a detailed warning label advising of the risks of consuming raw milk, directly to persons who wish to purchase and consume raw milk;
 - (ii) an order that the Applicants be granted an exemption under s. 96(e) of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7 (***HPPA***) to permit the processing, sale and distribution of raw milk to persons who wish to consume raw milk in containers having a detailed warning label advising of the risks of consuming raw milk;
 - (iii) an order that s. B.08.002.2(1) of the *Food and Drug Regulations*, CRC, c. 870 (***FDR***) be read down to permit an exemption for the processing, sale and distribution of raw milk to consumers who wish to consume raw milk in containers having a detailed warning label advising of the risks of consuming raw milk.
- (b) In the alternative, do sections 2(a), 7, 15 and 52 of the *Charter* entitle the Applicants, who hold, as a matter of conscience, that they should have the right to produce, sell, purchase or otherwise obtain raw milk in Ontario for the health benefits that they believe, and studies demonstrate, it provides to themselves and their families, and who depend on raw milk for their security of person, to:

- (i) an order declaring that portions of the *Milk Act* and its regulations are contrary to the *Charter*, unconstitutional, and therefore of no force and effect;
- (ii) an order declaring that s. 18 of the *HPPA* is contrary to the *Charter*, unconstitutional and therefore of no force and effect;
- (iii) an order declaring that s. B.08.002.2(1) of the *FDR* is contrary to the *Charter*, unconstitutional and therefore of no force and effect.

April 25, 2018

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Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No. CV-18-591774

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
TORONTO

NOTICE OF CONSTITUTIONAL QUESTION

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**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

James Lansing Affleck, John Baak, Eric Bryant,
Carol Celenza, Sanda Draga, Werner Fabian, Karen Fliess,
Merle Gould, Maria Helms, Allyson McMullen, Liliana Miculescu,
Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg,
Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF ELISA VANDER HOUT

Sworn March 20, 2018

I, **ELISA VANDER HOUT**, of the Municipality of Grey Highlands, in Grey Country,
Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. This affidavit is based upon my own personal knowledge and experience of the matters and facts herein.
2. My family and I operate a farm under the name Glencolton Farms (**Farm**) at 393889 Concession Road, Princeville, in the Municipality of Grey Highlands. Collectively, we have been tending the Farm for the past thirty-five years. The primary operation of the Farm has, until

recently, been to provide raw or unpasteurized milk and/or raw milk products (**raw milk**) to members of the local Farm community and their families.

3. For twenty-six years, our Farm supplied members of the local Farm community with raw milk, despite the ongoing threat of raids and prosecution, because I hold, as a matter of conscience, that I owe a duty, and should have the right, to produce and provide raw milk to members who need to have it for the health benefits that they believe, and that both experience and studies have demonstrated, raw milk provides.

4. On January 5, 2018, Sutherland J. issued orders in *Gavin Downing v. Agri-Cultural Renewal Co-operative Inc. O/A Glencolton Farms ("ARC") et al. (Downing)* that prevent me and my family from legally providing raw milk to anyone who does not live on the Farm or who is not a member of our family. As a result, unless individuals were to live on the Farm or become a part of my family, they are no longer able to access raw milk without unreasonable and undue hardship, the threat of prosecution, and the risk of contamination. Sutherland, J.'s orders have deprived individuals who enjoyed the beneficial health effects of hygienic raw milk from being able to obtain it from the Farm, disrupting a twenty-six year *status quo*.

5. The Appellants' lawyers have filed a Notice of Appeal of Sutherland J's decision in *Downing (Appeal)*. On March 1, 2018, Nordheimer J.A. issued a decision adjourning the Appeal until the determination of the within Application. Attached hereto as Exhibits "A" and "B" are true copies of the Notice of Appeal filed January 31, 2018, bearing the court file number C64899, and the decision of Nordheimer J.A. adjourning the Appeal.

6. Many consumers, friends and members of the local Farm community have experienced significant health improvements due to consumption of Glencolton Farms raw milk. I believe

that due to not being able to obtain raw milk in Ontario, many people are deprived of its health benefits, which are fundamental to their lives and security of person. I cannot, in good conscience, enjoy consuming health-giving raw milk on the Farm with my family, while others are left to suffer their ailments which led them to seek out access to raw milk in the first place. I further hold, as a matter of conscience, that I owe a duty and should have the right to provide raw milk to members of the Farm community who wish to obtain it for the health benefits that they believe and experience, and as studies have demonstrated, raw milk provides and that I have the ability to properly process and make available to them.

7. For the reasons stated above, I, another raw milk producer and several raw milk consumers have made an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms (Charter)* and section 121 of the *Constitution Act, 1867 (Charter Application)*.

8. I acknowledge that some undifferentiated studies state that raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries a risk of negative health consequences, which can be severe or even fatal.

9. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.

10. I do not accept the conclusions in paragraphs 8 and 9 above as complete, but do not intend to contest them in the Charter Application. I am an Applicant in the Charter Application because I believe that, and as experience and differentiated raw milk studies have demonstrated, raw milk provides health benefits, and as such, it is important that I provide it to those that wish

for their family to consume it for their own reasons of conscientious or religious belief and security of person.

11. Specifically, I am aware of differentiated raw milk studies showing that consumption of raw milk has significant health benefits. For example, raw milk may exert a considerable protective effect against the development of childhood asthma and allergy. These studies are more particularly described in the affidavits of Dr. Nadine Ijaz and Dr. Ton Baars.

12. The studies described in the affidavits of Peg Coleman, M.Sc. and Dr. Nadine Ijaz further show that the risk of severe health consequences from pathogens associated with raw milk consumption, while present, is significantly lower than the risk from other foods commonly implicated in foodborne outbreaks such as oysters, leafy green vegetables, ground beef hamburger and home-cooked chicken. These studies also show that over the last forty years, there have been no confirmed deaths associated with raw milk consumption in industrialized countries.

13. As described in the affidavit of Dr. Ton Baars, although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I and the other Applicants seek.

14. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that would allow Glencolton

Farms and Elbon Shady Haven to process, sell, and distribute raw milk at the farm gate in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our conscience and afford us security of person.

Rare breed “Canadienne” cows and biodynamic farming

15. For over thirty years, we have been sustainably breeding rare “Canadienne” cows, which is officially recognized as a heritage breed in Canada and is known for its resilience and good health. Attached hereto and marked as Exhibit “C” are true copies of photographs of Canadienne breed cows from our herd.

16. Our cows are specially bred for the purpose of providing the best possible quality of raw milk to consumers, and are not as high producing as the Holstein breed, which is found in most commercial dairy herds. Raw milk destined for pasteurization is produced by Holsteins by feeding them high producing rations, causing the milk to not even be fit to feed a calf.

17. Breeding Canadienne cows has required a “closed herd” farming system. New additions to the herd are birthed on the farm; there are third and fourth generation cows in the herds. No animals from other farms may be introduced into the herd and no co-mingling with animals from other farms is allowed, to preserve the herd’s quality and integrity, as well as to reduce cattle disease.

18. The breeding of these cows have made them unique to the climate, geography, soil type and management practices that encompass this individual farming operation. Cows like these

cannot be found in the marketplace. The genetic diversity these cows possess is unique to the farm and to the breed. The genetic diversity of the herd is foundational to the quality of the milk produced, the financial viability of the farm, the soil fertility, and the quality of life of the farm's inhabitants. Attached hereto as Exhibit "D" are true copies of cattle records for the Farm for a period of twenty-nine years.

19. My family and I are professional agronomists, and the Farm is bio-dynamic. Biodynamic farming is a holistic agricultural system that includes providing health-giving foods while healing the earth through responsible, diversified and balanced farming practices. Biodynamic agriculture focuses on enhancing the life processes of nature.

20. The Farm is considered a balanced farm-organism created by harmonizing soil, vegetation, animals and workers. The cows are therefore a part of a diverse and sustainable farming system. Attached hereto as Exhibit "E" is a true copy of our current cattle inventory.

21. The style of farming that we engage in is not suitable for large commercial production of food or milk for the mass grocery store distribution channels. Instead, for the last thirty-five years, we have employed biodynamic farming and breeding practices on the Farm that focused on quality, and not quantity.

22. The Farm has developed a food safety protocol and facility with a thirty year track record for safe raw milk. To my knowledge, no one who has consumed raw milk produced on the Farm has ever become sick as a result of consuming that raw milk. On the contrary, I have only been made aware of positive health consequences of drinking raw milk from the cows on the Farm.

23. On the Farm, we demand the utmost cleanliness of the barn: clean cows, clean water, clean troughs, fresh bedding and removal of manure twice every day. We provide gravel for lane ways where cows walk and concrete pads for storage of manure.

24. The sanitary regulations are stringent. Milking machines are cleaned twice a day, after each milking and then sanitized before milking again. Prior to milking, each cow's udder is washed to ensure they are clean. Milk samples are taken and stored at every twice-a-week bottling in case follow-up testing is required. The milking equipment is serviced every six months.

25. We produce raw milk according to internationally set protocols dealing with cleanliness, hygiene, sanitation, production equipment cleaning and maintenance, disease-prevention and contamination-prevention, as well as milk testing. These protocols are designed to ensure that raw milk is uncontaminated by any pathogen. Attached hereto as Exhibit "F" are true copies of these protocols.

26. Specifically, these protocols prescribe standard operating procedures for preliminary hygiene and proper apparel for workers, cleanliness of the hallway to the cheese kitchen, cleaning and sterilizing of the cooler/freezer, the cheese room, the dishwasher room and the bottle room.

27. There are also procedures in place to ensure contamination-free production of soft cheese, hard cheese, quark, fresh/sweet cream, sour cream, butter and cultured milk. Additional mandatory procedures are prescribed for contamination-free milk and colostrum/bottling, bottle washing, use of milk filter and mandatory milk-testing. In addition, there are procedures for cleaning and maintaining the milk line washer system, the milk tank, cheese vat, butter barrel

and cutter, separator, dishwasher, tables and sinks, buckets, cheese forms, milk pipe line, small hand tools and plastic curtain.

28. There are four other producers who have been following the same guidelines. One of these producers is also working with an official heritage breed of Guernsey cows.

29. Individuals seeking raw milk for its health benefits also seek out raw milk that has been responsibly produced using this kind of balanced approach to farming with the best safety protocols in place.

30. The risk of any raw milk contamination through cattle disease and unwelcome environmental pathogens carried by cattle from other farms is minimized by keeping a closed herd. Our cows cannot be replaced by cows from another farm, because of the complex food safety system this kind of closed herd farming system has provided.

31. Without access to our constitutional rights to produce and provide health giving milk to people who wish to consume it for their own reason of conscientious belief, we could not afford to maintain a closed herd of thirty-two cows which. We would be faced with the horrifying prospect of taking the entire herd to the butcher. Already, due to Sutherland J.'s orders, it has been necessary to butcher three cows named Alena, Vanessa and Lana, whom we said goodbye to on January 18, 2018. This is a big loss to our herd and we are devastated at having had to take this measure. If the whole herd is butchered, it would be impossible to rebuild in our lifetime.

32. As a result of Sutherland J.'s orders, we have also had to stop milking one third of our cows. Even if we are successful in the Charter Application or the Appeal, we cannot simply start to milk the cows again, as living creatures need time to adjust to such demands.

Farm Economics

33. The income generated by the feeding and milking of cows is one half of the total revenue for the Farm's business, which amounts to approximately \$175,000 annually and after expenses, provides a living for two families. Attached hereto as Exhibit "G" is a true copy of the 2017 preliminary financial statements of Glencolton Farms.

34. Raw milk and cheese production are an integral part of the total operation of the Farm, providing whey and other by-products from the milk to feed the pigs and chickens as part of a holistic and sustainable farming operation. The revenues of these other on-farm sales would also be affected. The members of the Farm are also customers of our on-farm sales of meat products, eggs and vegetables. Without the weekly and regular contact with the members who come for the raw milk, our on-farm sales would greatly be reduced.

35. We have "dried off" one third of the milking cows due to Sutherland J.'s orders, which means no longer milking them, in order to save on labour and feed costs (because cows eat more while producing milk than when they are dry). The rest of the milk is being fed to calves, chickens and pigs in order to not waste it. The expenses related to milking cows mean that milk produced primarily for feeding to chickens and pigs is financially unsustainable. Meanwhile, we still have to feed the dried-off cows, too. These dry cows are all pregnant. Sending a pregnant cow to the butcher makes no sense at all.

36. Without being able to milk the cows, the barn would need to be renovated in order to accommodate another farming enterprise in order for the Farm operation to survive. This would require large amounts of time, capital and energy, and take many years to properly re-organize the farming operations as well as establishing a new market. This would also remove the later

possibility of returning to milking cows without major and prohibitive expenses of re-building the infrastructure needed, if we were eventually successful in the Charter Application.

Relationships

37. Producing and providing raw milk to the members of our community has resulted in many long-standing, loyal and important relationships with those individuals and their families. My family and I have regular social interactions with virtually all of the members of the Farm community, which is an important part of our wellbeing. At present, those interactions have been severely strained due to Sutherland J.'s orders. At the moment, we are surviving because of the generosity of our friends and neighbours, but we cannot expect or accept their charity to continue indefinitely.

38. The members of our family have a personal attachment to and love for the cows, which we treat as an extension of our family. In this regard, there has already been irreparable harm as we have already had to sacrifice three members of the herd, as described above.

39. My family and I are farmers, and are deeply connected to the land on which we cultivate. Without the opportunity to farm on the Farm to which we are so deeply connected, and tend to the cows that we so dearly love, we would suffer stress and emotional turmoil. Already, this experience has been extremely stressful and upsetting for our family, adults and children alike.

40. Each year, the Farm hosts grade three school classes from four different schools as part of their curriculum. The children are taught about farming practices. The interrelationships among raising cows, pigs, and chickens are paramount to the success of this program, and this

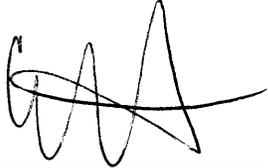
program also contributes to the Farm's income. This program is now at threat of being cancelled if we can no longer demonstrate a viable mixed farming operation to the students.

41. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at
in the Province of Ontario on March
20, 2018.



Commissioner for Taking Affidavits
(or as may be)

} 

ELISA VANDER HOUT

Mary Frances Heffernan
a Commissioner, etc.,
Province of Ontario,
for Fallis Fallis & McMillan
Barristers and Solicitors.
Expires September 11, 2018.

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
TORONTO

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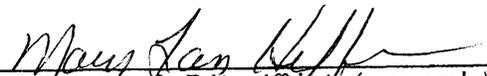
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Counsel for the Applicants

This is Exhibit "A" referred to in the Affidavit of

Elisa Vander Hout sworn March 20, 2018



Commissioner for Taking Affidavits (or as may be)

Mary Frances Heffernan
a Commissioner, etc.,
Province of Ontario,
for Fallis Fallis & McMillan
Barristers and Solicitors.
Expires September 11, 2018.

Court of Appeal File No.

COURT OF APPEAL FOR ONTARIO

BETWEEN:

Gavin Downing, Director Appointed under the *Milk Act*,
R.S.O. 1990, c. M.12

**Applicant
(Respondent in Appeal)**

- and -

Agri-Cultural Renewal Co-operative Inc.
o/a Glencolton Farms, Elisa Vander Hout, Markus Christian Schmidt,
Johannes Osthau Nikolaus Alexander, John Doe(s),
Jane Doe(s) and Persons Unknown

**Respondents
(Appellants in Appeal)**

- and -

Our Farm Our Food Cooperative Inc.

Intervener

- and -

The Regional Municipality of York,
Simcoe Muskoka District Health Unit,
and the Regional Municipality of Peel

**Applicants
(Respondent in Appeal)**

- and -

Michael Schmidt, Elisa Vander Hout,
Markus Christian Schmidt, Agri-Cultural renewal Co-Operative Inc.,
Nikolaus Alexander Johannes Osthau, Joe Doe, Jane Doe
and Persons Unknown and The Church of the Christian Community in Canada

**Respondents
(Appellants in Appeal)**

COURT OF APPEAL FOR ONTARIO
TRIBUNAL DE LA COUR D'APPEL

JAN 31 2013

RÉGISTRAR / CLERK
COUR D'APPEL DE L'ONTARIO

NOTICE OF APPEAL

THE APPELLANTS APPEAL to the Court of Appeal for Ontario from the decision of the Honourable Mr. Justice P.W. Sutherland dated January 5, 2018 delivered at Newmarket.

THE APPELLANTS ASK that the decision of Sutherland J. be set aside and that a decision be granted dismissing the Respondent's application, or in the alternative, staying the permanent injunction, with costs of the appeal and the application on a substantial indemnity basis.

THE GROUNDS OF THE APPEAL are as follows:

1. Sutherland, J. erred in holding that the actions of the Appellants, or any one of them, contravened the *Milk Act*, R.S.O. 1990, c. M.12 [*"Milk Act"*];
2. Sutherland, J. erred in holding that the actions of the Appellants, or any one of them, contravened the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7 [*"HPPA"*];
3. Sutherland, J. erred in holding that the "family farm" exemption to the *Milk Act* and the *HPPA* did not apply to the actions of the Appellants;
4. Sutherland, J. erred in exercising his discretion by granting a permanent injunction; and
5. Such other grounds as counsel may advise.

THE BASIS OF THE APPELLATE COURT'S JURISDICTION is:

1. Pursuant to the *Courts of Justice Act*, R.S.O. 1990, c.C.43, s.6(1)(b), an appeal from a final order of a Judge of the Superior Court of Justice lies to the Court of Appeal.
2. The Order appealed from is a final Order.
3. Leave to appeal is not required.

4. Alternatively, the Appellants seek leave to appeal any portion of the Motions Judge's decision if it is so required.

THE APPELLANTS REQUEST that this appeal be heard in Toronto.

Date: January 30, 2018

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Counsel for Gavin Downing, Director appointed
under the *Milk Act*, R.S.O. 1990, c. M.12, Applicant
(Respondent in Appeal)

Gavin Downing -and- Agri-Cultural Renewal - and - Our Farm Our Food - and - The Regional Municipality
Co-operative Inc. Co-operative Inc. Food Cooperative Inc. of York et al.

Applicant (Respondent in Appeal) Appellant (Respondent in Application) Intervener Respondents
(Appellants in Appeal)
Court of Appeal File No.

COURT OF APPEAL FOR ONTARIO
PROCEEDING COMMENCED AT
TORONTO

NOTICE OF APPEAL

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Counsel for the Appellants Agri-Cultural Renewal Co-
operative Inc., o/a Glencolton Farms, Michael Schmidt, Elisa
Vander Hout and Markus Christian Schmidt

This is Exhibit "B" referred to in the Affidavit of

Elisa Vander Hout sworn March 20, 2018



Commissioner for Taking Affidavits (or as may be)

Mary Frances Heffernan
a Commissioner, etc.,
Province of Ontario,
for Fallis Fallis & McMillan
Barristers and Solicitors.
Expires September 11, 2018.

COURT OF APPEAL FOR ONTARIO

DATE: 20180301
DOCKET: M48825 (C64899)

Nordheimer J.A. (In Chambers)

BETWEEN:

Gavin Downing, Director Appointed under the *Milk Act*,
R.S.O. 1990, c. M.12

Applicant
(Responding Party / Respondent in Appeal)

- and -

Agri-Cultural Renewal Co-operative Inc.
o/a Glencolton Farms, Elisa Vander Hout, Markus Christian Schmidt,
Johannes Osthaus Nikolaus Alexander, John Doe(s),
Jane Doe(s) and Persons Unknown

Respondents
(Moving Parties / Appellants in Appeal)

- and -

Our Farm Our Food Cooperative Inc.

Intervener

AND BETWEEN:

The Regional Municipality of York,
Simcoe Muskoka District Health Unit,
and the Regional Municipality of Peel

Applicants
(Responding Party / Respondents in Appeal)

- and -

**Michael Schmidt, Elisa Vander Hout,
Markus Christian Schmidt, Agri-Cultural renewal Co-Operative Inc.,
Nikolaus Alexander Johannes Osthaus, Joe Doe, Jane Doe
and Persons Unknown and The Church of the Christian Community in Canada**

**Respondents
(Moving Parties / Appellants in Appeal)**

Ian A. Blue and Daria Peregoudova for the moving parties/appellants, Agri-Cultural Renewal Co-operative Inc. o/a Glencolton Farms, Elisa Vander Hout, and Markus Christian Schmidt

Michael Dunn and Padraic Ryan, for the responding party/respondent, Gavin Downing, Director Appointed under the *Milk Act*, R.S.O. 1990, c. M.12

Doug Smith and Alannah Fotheringham, for the responding parties/respondents, The Regional Municipality of York, Simcoe Muskoka District Health Unit, and the Regional Municipality of Peel

Heard: February 23, 2018

On a motion for a stay of the appeal and of the orders of Justice Phillip Sutherland of the Superior Court of Justice, dated January 5, 2018 with reasons reported at 2018 ONSC 128, pending determination of a separate *Charter* application.

REASONS FOR DECISION

[1] The appellants move for a stay of their appeal from a decision of Sutherland J., along with a stay of the orders granted by Sutherland J., pending the final determination of a separate application brought by one of the appellants in conjunction with other persons. This separate application requests constitutional exemptions, based on the *Canadian Charter of Rights and Freedoms*, from certain statutory provisions regarding the sale and distribution of raw milk and raw milk products (the "*Charter* application"), which formed the basis of the orders granted by the applications judge. Of particular importance for the purposes of this motion

is the fact that, among other relief, the applications judge granted a permanent injunction restraining the appellants and any and all persons having knowledge of the order, from directly or indirectly selling or distributing raw milk and/or raw milk products.

Background

[2] Two applications were heard together by the applications judge. One of the applications was brought by the respondents, The Regional Municipality of York, The Regional Municipality of Peel, and Simcoe Muskoka District Health Unit (collectively, "the municipalities") wherein they sought declaratory and injunctive relief against the appellants in respect of their offering for sale, selling, delivering, and/or distributing unpasteurized milk and unpasteurized milk products (collectively, "raw milk") within the jurisdiction of the municipalities, contrary to s. 18 of the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7 (the "HPPA").

[3] The other application was brought by the respondent, Gavin Downing, in his capacity as Director appointed under the *Milk Act*, R.S.O. 1990, c. M.12, also against the appellants (save for The Church of the Christian Community of Canada) in which similar relief was sought.

[4] The applications were heard on May 29, 30, 31, June 5, and December 21, 2017. For reasons issued on January 5, 2018, the relief sought in both applications was granted. More particularly, the applications judge:

- restrained the appellants, and any and all persons having knowledge of the order, from operating a plant without a licence in contravention of s. 15(1) of the *Milk Act*;
- restrained the appellants, and any and all persons having knowledge of the order, from hindering or obstructing the inspection, by a field person or officer appointed by the Director, of their premises and products;
- granted a declaration that the appellants contravened s. 18 of the *HPPA*; and
- restrained the appellants, and any and all persons having knowledge of the order, from directly or indirectly selling or distributing raw milk or raw milk products.

[5] Subsequent to the release of the applications judge's decision, the appellant, Elisa Vander Hout, along with others, brought the separate *Charter* application seeking:

- an exemption under the *Milk Act* to allow the processing, sale, and distribution of raw milk and/or raw milk products;
- an order that s. 18 of the *HPPA* be read down to permit an exemption for the processing, sale, and distribution of raw milk to persons who wish to consume raw milk and/or raw milk products; and

- an order that s. B.08.002.2(l) of the *Food and Drug Regulations*, C.R.C., c. 870 be read down in a similar fashion.

[6] The appellants seek to have their appeal from the applications judge's decision, and all of the applications judge's orders, stayed until the *Charter* application is heard and determined. The appellants say that, if the *Charter* application is successful, then the basis for the applications judge's orders falls away. It would also follow that, if the *Charter* application is unsuccessful, then any appeal of that decision could be heard as part and parcel of the appeal in this case. The respondents strongly oppose any stay of the applications judge's orders, especially the permanent injunction against the sale of raw milk and raw milk products. However, if the applications judge's orders remain operative, then the respondents do not oppose a stay of the appeal itself, pending the determination of the *Charter* application.

Analysis

(i) Jurisdiction

[7] The respondent municipalities contend that this court does not have jurisdiction to entertain the request to stay the orders granted by the applications judge. The respondent municipalities say that, since the appellants are not seeking a stay pending their appeal, but rather a stay pending the determination of a

separate application in the Superior Court of Justice, only that court has jurisdiction to entertain the request for a stay.

[8] I do not agree. The respondent municipalities take a much too narrow, and technical, view of this court's authority to order a stay. Section 134(2) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 gives this court authority to make "any interim order that is considered just". Further, s. 106 of the *Courts of Justice Act* provides:

A court, on its own initiative or on motion by any person, whether or not a party, may stay any proceeding in the court on such terms as are considered just.

[9] In my view, this court has full authority to order a stay of an appeal, and/or a stay of the relief granted in a proceeding that is the subject of an appeal. The relief granted by the applications judge is within the jurisdiction of this court pursuant to s. 6(1)(b) of the *Courts of Justice Act* as the appellants have properly commenced an appeal from a final order of a judge of the Superior Court of Justice. It is therefore open to this court to stay that relief, or any portion of it, if the court considers it just to do so.

(ii) The applicable test for a stay

[10] The parties agree on the appropriate test for granting a stay of the orders below, although they do not agree on the level of proof required for the test to be met. The test itself is enunciated in *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311, at pp. 347-49. It consists of three parts:

(a) that there a serious issue to be tried;

(b) that the moving party would suffer irreparable harm if the motion were refused; and

(c) which of the parties would suffer greater harm from the granting or refusal of the remedy pending a decision on the merits (the "balance of convenience").

(a) Serious issue to be tried

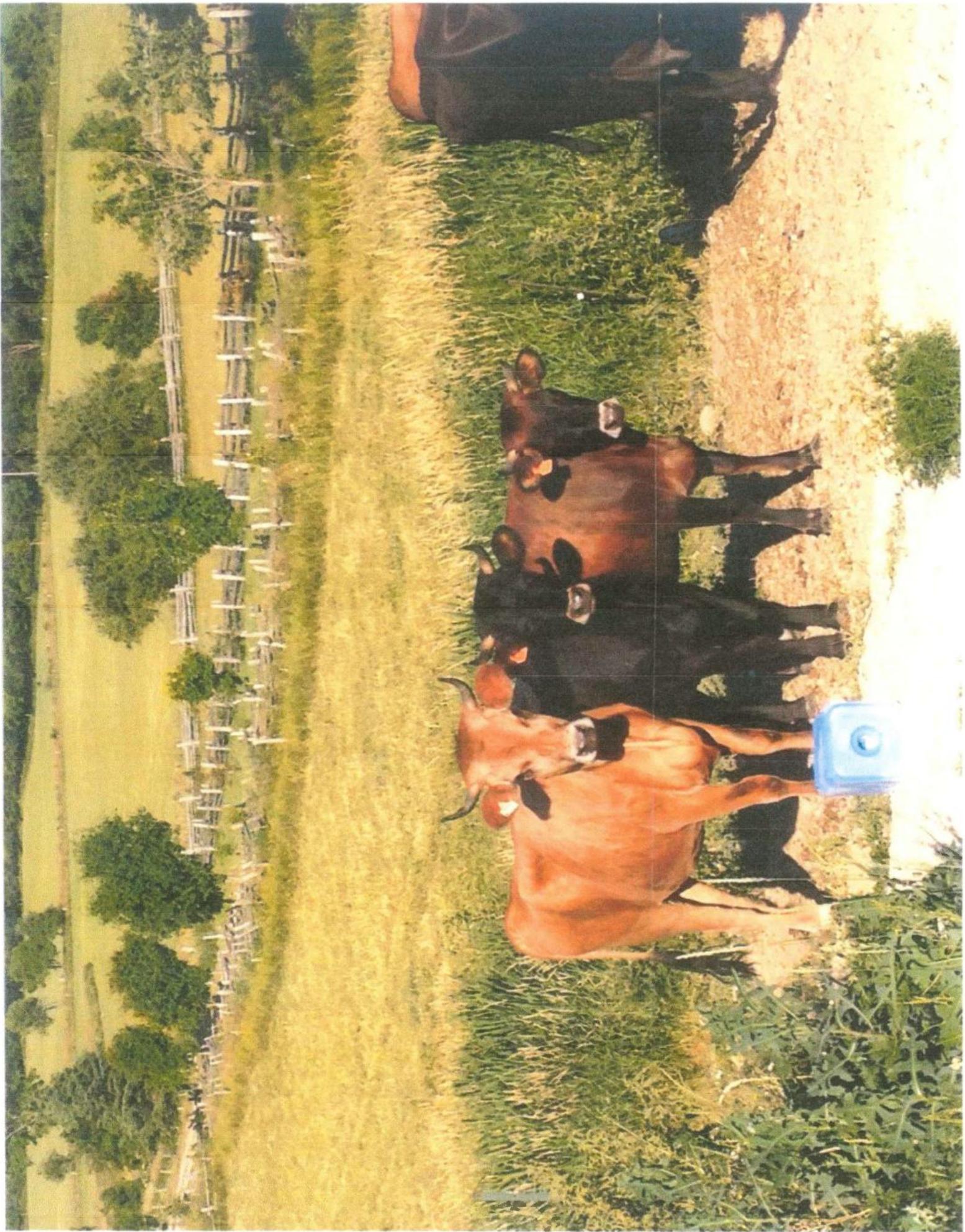
[11] The respondents contend that the serious issue threshold is not met in this case for two reasons. First, they say that the appellants are not challenging the applications judge's factual conclusions that the appellants were in breach of the statutory requirements and, consequently, they cannot successfully challenge the relief ordered below because it flows inevitably from those factual findings. Second, they say that the arguments raised in the *Charter* application do not raise a serious issue because all of those issues have been previously decided by this court in *R. v. Schmidt*, 2014 ONCA 188. I note that Michael Schmidt, who was the appellant in that case, is the same Michael Schmidt who is an appellant here.

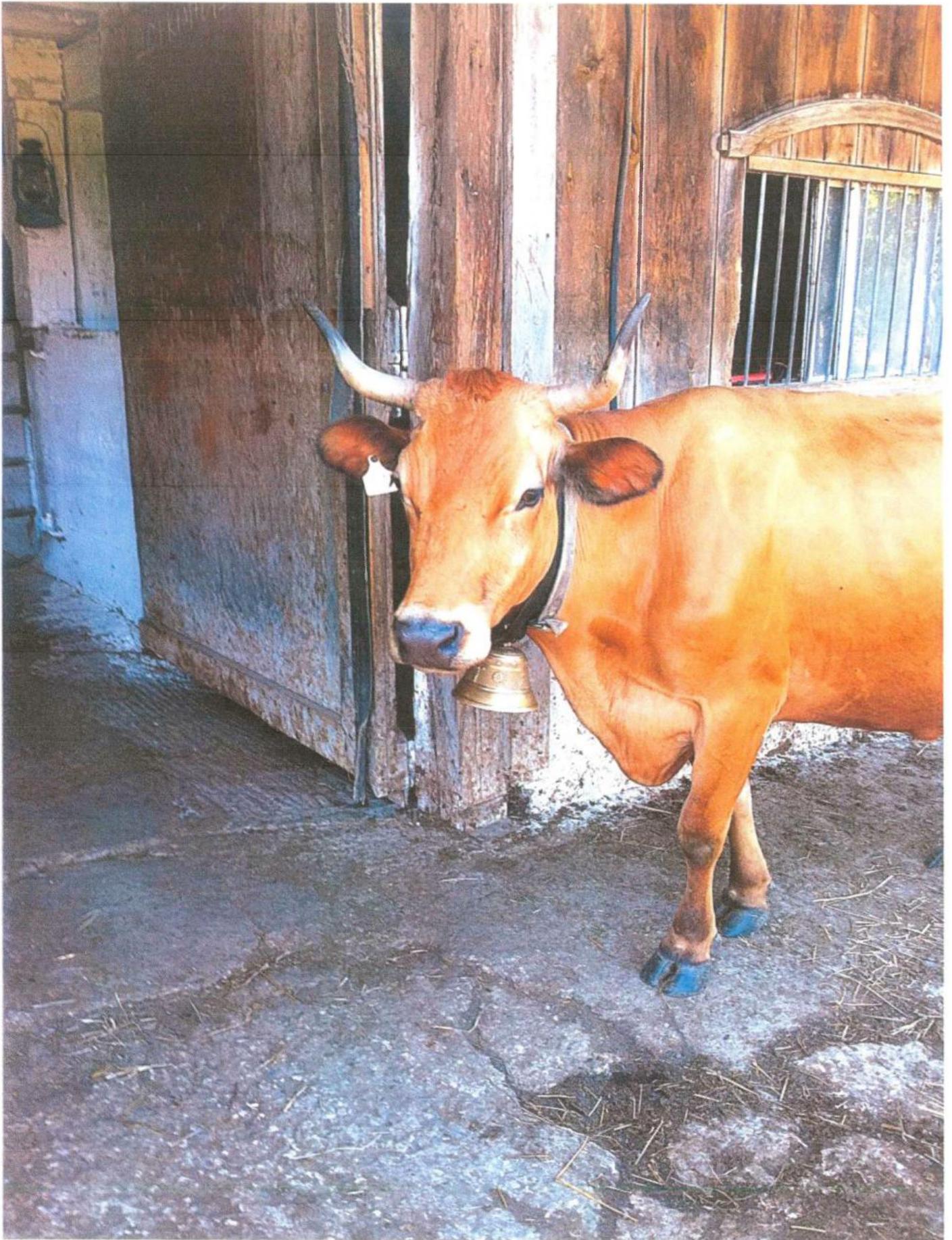
[12] As observed in *RJR*, the threshold under this part of the test is a low one. It is equivalent to a finding that the issues raised are neither frivolous nor vexatious. As Sopinka and Cory JJ. said in *RJR* at pp. 337-38;

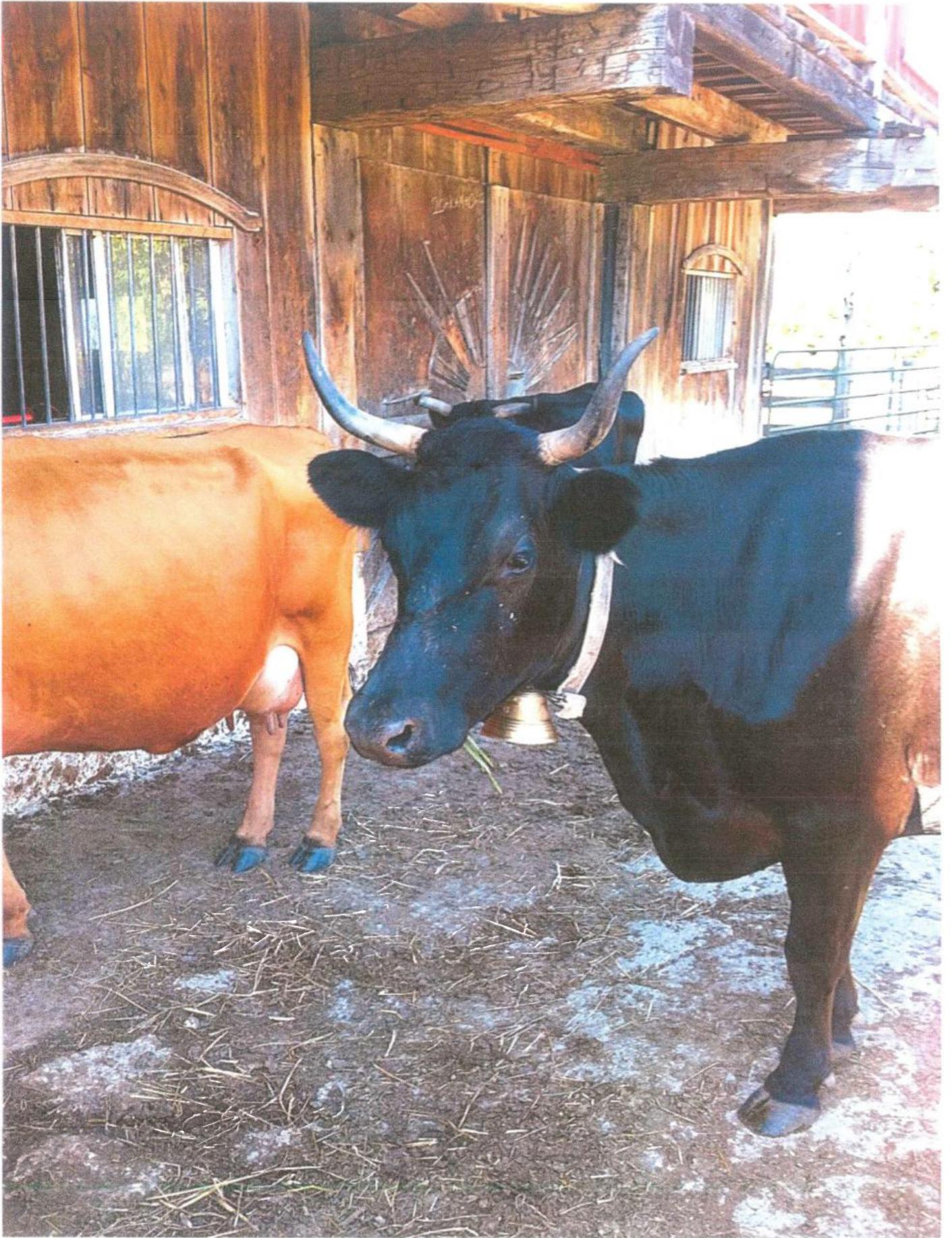
This is Exhibit "C" referred to in the Affidavit of
Elisa Vander Hout sworn March 20, 2018


Commissioner for Taking Affidavits (or as may be)

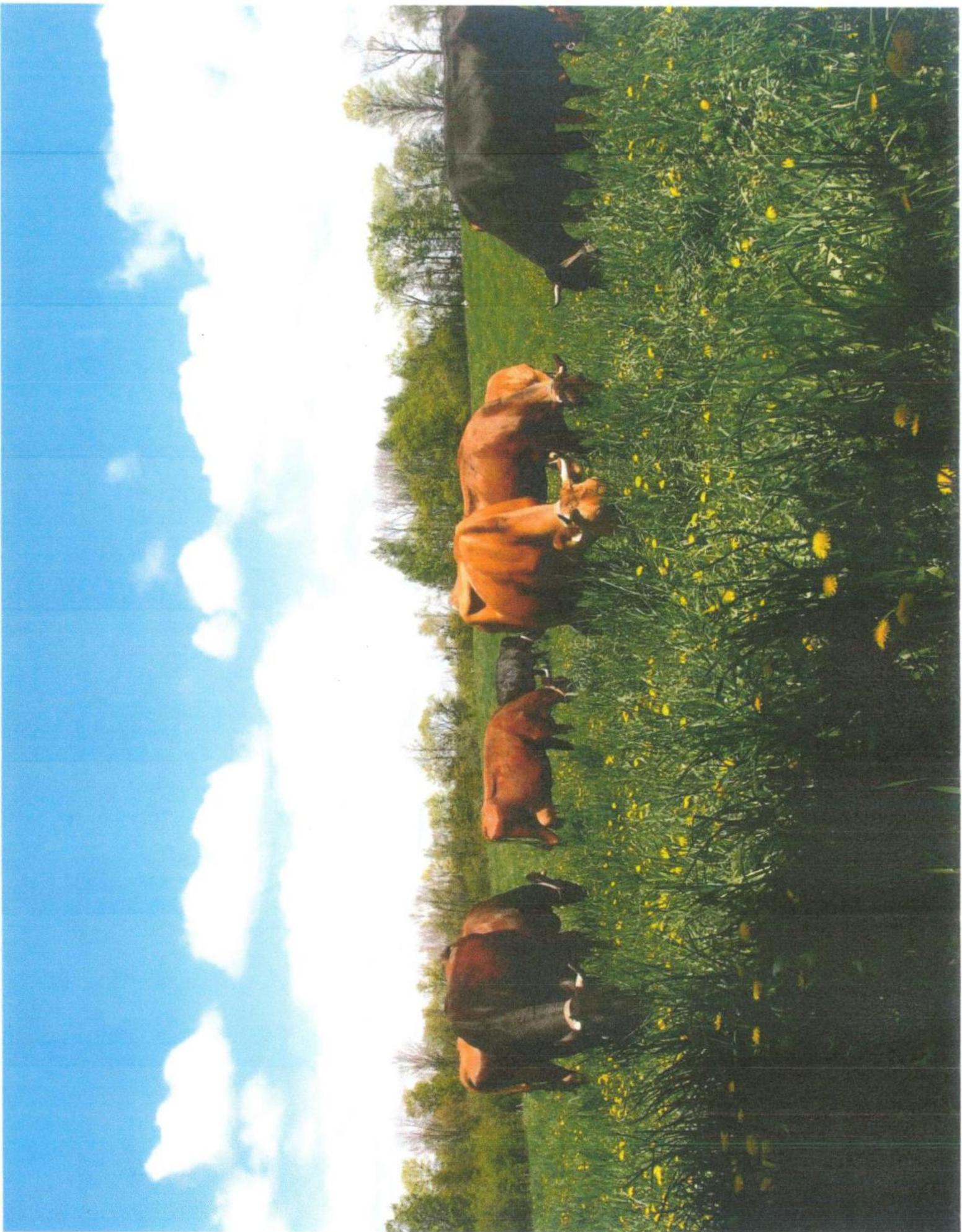
Mary Frances Heffernan
a Commissioner, etc.,
Province of Ontario,
for Fallis Fallis & McMillan
Barristers and Solicitors.
Expires September 11, 2018.















This is Exhibit "D" referred to in the Affidavit of

Elisa Vander Hout sworn March 20, 2018



Commissioner for Taking Affidavits (or as may be)

Mary Frances Heffernan
a Commissioner, etc.,
Province of Ontario,
for Fallis Fallis & McMillan
Barristers and Solicitors.
Expires September 11, 2018.

Vedette
Lecapla
Nelly

was all...? Lenchen?

Fell für Feo
Schwarz

	<u>NAME</u>	<u>NUMBER</u>	<u>Born</u>	<u>SIRE</u>	<u>DAM</u>
1	Lilly	67	1989	Laszlo	
2	Honey	21	1991	Laszlo	Vedette
3	→ Bielenchen	1	1992 May 1992	Laszlo	Blümel
4	Zora	46	1992	Laszlo	
5	Adene	64	1993	Laszlo	Adene
6	Amber	73	1994	Laszlo	
7	Lotti	74	1994	C Bulli	
8	Celine	63		?	
9	Grenade	54	1996	Bulli	
10	Ruby		1996	C Bulli	
11	Lulu	40	27.6.1998	Bischof	Lotti
12	Anna	41	12.7.1998	Bischof	Adene
13	Serena	42	14.7.1998	Bischof	Sally
14	Zilla	43	31.7.1998	Bischof	Zita
15	Charlotte	45	2.3.1999	Bischof	Celine
16	Hu	44			
17	Zephalia	46	7.4.1999	Bischof	Zita?
18	Garbel	47	23.6.1999	Bischof	
19	Lenchen				
20	Lena	52	24.12.1999	Bischof	Lenchen?
21	Cyndi	53	15.1.2000	Bischof	Cypresse
22	Gigada	54	10.3.2000	Bischof	Cypresse
23	Feo	55	20.3.2000	Bischof	Fiona
24	Arta	56	19.4.2000	Bischof	Adene
25	Karla	57	29.8.2000	Bischof	Kalulu
26	Helena	58	8.10.2000	Bischof	Honey
	Lissi	59	16.11.2000	Bischof	Lavendel
27	Gita	60	22.12.2000	Bischof	Ginger
	Ceder	62	29.1.2001	"	Cypresse
	Cola	63	9.3.2001	"	Celine
	Andrea	64	7.4.2001	"	Adene

Born 1998, 1999, 2000, 2001, 2002, 2003, 2004

Nr.	Name	Cow	Bull	Date of Birth	Sex/Color	Comments
41	Anna	Adene	Bischof	July 12, 1998	fem / black	
47	Barbel		Bischof	June 23, 1999	fem	sold
45	Hui		Bischof	June 15, 1998	fem	butcher Jan 2002
51	Lenchen			June 15, 2000	fem	sold Apr 2001
62	Ceder	Cypresse	Bischof	Jan 28, 2001	fem / black	
63	Cola	Celine	Bischof	Mar 9, 2001	fem / black	
65	Nora	Nelly		May 2, 2001	fem	sold 2001
66	Voidka	Vera		May 11, 2001	fem	sold
68	Blümel	Blacky		June 26, 2001	fem / brown	sold 2001
69	Sonja	Severa	Bischof	Oct 29, 2001	fem	sold
70	Huitwa	Hui	Helios	Jan 24, 2002	fem	sold 2002
71	Cantate	Charlotte	Helios	Jan 27, 2002	fem / black	
72	Chianti	Cypresse		Mar 31, 2002	fem	sold
73	Amaretta	Amber		Mar 31, 2002	fem	sold
74	Lia	Lotti		Apr 15, 2002	fem	sold
75	Happy	Holly		Sep 28, 2002	fem	sold
76	Angel	Kakao		Oct 11, 2002	fem	sold 2002
77	Zaide	Zephania		Nov 8, 2002	fem / brown	
78	Leone	Lena		Nov 20, 2002	fem	died on pasture
79	Lisa	Lara		Dec 5, 2002	fem / brown	
80	Citron	Charlotte		Dec 10, 2002	fem	sold 2002
81	Arwen			Dec 18, 2002	fem	sold 2002
82	Amelie	Algave		Dec 19, 2002	fem	sold
83	Bella	Borle	Helios	Dec 29, 2002	fem	sold 2001
84	Laura	Lenchen	Victor	Mar 4, 2003	fem	sold
86	Clarissa	Celine	Victor	May 5, 2003	fem	sold
87	Olga	Cypresse	Victor	June 4, 2003	fem / black	
88	Feli	Fiona	Victor	Aug 22, 2003	fem / black	sold 2001
89	Anna-Sophia	Arla	Victor	Sep 12, 2003	fem	sold
90	Coe	Charlotte	Victor	Dec 4, 2003	fem	sold
91	Liova	Lara	Victor	Jan 25, 2004	fem	sold
92	Lourdes	Lena	Victor	Feb 9, 2004	fem / black	sold
97	Nuria					

Born

2005

Nr	Name	Cow	Bull	Date of Birth	Sex / Color	Comments
97	Naria			Jul 15, 2005	fem / black	
99	Zola		Victor	Jul 18, 2005	fem / red	
101	Xenia			Nov 20, 2005	fem / black	
	Chico	Charlotte	Victor	Jan 4, 2005	fem	sold Feb 2005
	Sergje	Sonja	Victor	Jan 6, 2005	fem	sold Feb 2005
	Carmen	Cynchi	Victor	Feb 9, 2005	fem	to Prince Edu
103	Allegria	Anna	Victor	Feb 11, 2005	fem	sold
104	Svetlana	Serena	Victor	Mar 8, 2005	fem / black	
	-	Helena	Victor	Mar 11, 2005	fem	died born early
105	Britta	Bärbel	Victor	Mar 20, 2005	fem	sold
	Logan	Zuly	Victor	Apr 10, 2005	male	sold May 2005
	Zup-Amar	Adelie	Victor	Apr 28, 2005	male	sold milk fever / black work
106	Gabriele	Grenade	Victor	May 20, 2005	fem	Milk fever / good call
	-	Amber	Victor	Jun 15, 2005		early birth / dead
	-	Lilly	Victor	Jun 15, 2005	male	sold
	-	Lena	Victor	Jul 18, 2005	male	sold
	Karl	Karla	Victor	Jul 27, 2005	male	sold
	Fedor	Fec	Victor	Aug 8, 2005	male	sold
	Horst	Hui	Victor	Aug 16, 2005	male	sold
	Gregor	Gita	Victor	Aug 18, 2005	male	sold Sep 2005
107	Coca	Cola	Victor	Aug 23, 2005	fem	sold
	Lec	Lotti	Victor	Aug 30, 2005	male	sold Sep 2005
	Horsttwo	Huitwo	Victor	Sep 1, 2005	male	sold Sep 2005
	-	Angel	Victor	Sep 4, 2005		dead / big call
	Caipi	Chianti	Victor	Sep 6, 2005	male	sold
	Zukas	Leah	Victor	Sep 10, 2005	male	sold / sick 6 weeks
108	Zosia	Zaide	Victor	Sep 10, 2005	fem	sold
	Gustav	Giguelor	Victor	Sep 10, 2005	male	sold
109	Claudi	Cantate	Victor	Sep 14, 2005	fem / black	
110	Camilla	Ceder	Victor	Sep 19, 2005	fem	sold
111	Natascha	Nora	Victor	Sep 22, 2005	fem / black	
	Vladimir	Voicka	Victor	Oct 8, 2005	male	sold
	Aladin	Arla	Victor	Oct 5, 2005	male	sold
	Bill	Bünnel	Victor	Dec 5, 2005	male	sold
	Ludwig	Lenchen	Victor	Dec 23, 2005	male	sold (keep Jan 2006)
112	Clair	Citron	Zion	Dec 28, 2005	fem	sold

Born

2006

Nr	Name	Cow	Bull	Date of Birth	Sex / Color	Comments
113	Hazel	Happy	Zion	Jan 13, 2006	feem	sold
	Lümmel	Lisa	Zion	Jan 14, 2006	male	sold
114	Anja	Arwen	Zion	Jan 27, 2006	feem / black	
	Zeo	Leone	Zion	Feb 13, 2006	male	sold
	-	Laura	Zion	Mar 9, 2006	male	dead
115	Cecile	Clarissa	Zion	Mar 10, 2006	feem	prelapse 2011
	-	Bella	Zion	Mar 11, 2006	male / white-red	sold / white-red
116	Arabella	Amelie	Zion	Mar 22, 2006	feem	sold
	Asterix	Anna	Victor	Mar 22, 2006	male	sold
117	Blüte	Bäbel	Victor	Mar 24, 2006	feem	sold
118	Frida	Feli	Zion	Mar 27, 2006	feem	sold 2011
119	Chanelle	Charlotte	Victor	Apr 2, 2006	feem / brown	
Bull	Ceaser	Cindy	Victor	Apr 5, 2006	male	sold (next bull)
120	Heidi	Helena	Victor	Apr 14, 2006	feem / brown	
121	Zilly-Marten	Zulu	Victor	Jun 04, 2006	feem	sold
122	Cor-Li	Olga	Victor	Aug 7, 2006	feem	sold
	Carlo	Cola	-	Sep 11, 2006	male	sold Oct 2006
	Hella	Huitwo		Sep 12, 2006	feem	sold / horns / Oct 2011
	Herold	Huitwo		Sep 12, 2006	male	
123	Carola	Cantute	Lief	Sep 16, 2006	feem	sold
	Lana	Leah	Lief	Sep 20, 2006	feem	sold Oct 2006
124	Gina	Gigaela		Sep 27, 2006	feem	sold
	Neno	Nora		Oct 1, 2006	male	sold Oct 2006
	Zepher	Zaide		Oct 7, 2006	male	sold Oct 2006
	Zotly	Zouder	Lief	Nov 7, 2006	male	died
125	Anka	Anna-Sophia	Lief	Nov 23, 2006	feem / brown	
126	Birke	Blümel		Dec 6, 2006	feem	sold
	Clemens	Coe		Dec 8, 2006	male	sold
127	Lali	Laura	Lief	Dec , 2006	feem	died 'cause of ...

Born

2007

Nr	Name	Cow	Bull	Date of Birth	Sex/Color	Comments
	Arrow	Angel	Lief	Jan 07, 2007	male	sold (next bull)
128	Clemantine	Ceder	Lief	Jan 09, 2007	fem / black	
129	Vera	Vaidka	Lief	Jan 11, 2007	fem / red	
130	Codia	Clarissa	Lief	Mar 07, 2007	fem	sold
131	Cenny	Clarissa	Lief	Mar 07, 2007	fem / red	sold 2012
	Chilli Pepper	Chiuti	Lief	Mar - , 2007	male / red-white	sold
	-	Lana	Lief	Mar - , 2007	male	sold
	-	Barbel	Lief	Mar 23, 2007	male	sold
	-	Anna	Lief	Mar 28, 2007	fem / black-white	sold
	-	Bella	Lief	Mar 28, 2007	male	sold
	-	Lisa	Lief	Mar 30, 2007	male	sold
132	Agata	Arwen	Lief	Apr 01, 2007	fem / black	sold
		Citron	Lief	Apr 03, 2007	male / black	sold
133	Lana	Leone	Lief	Apr 14, 2007	fem / red	sold 2013
	-	Happy	Lief	June 12, 2007	male	sold
134	Henne	Hana	Lief	Sep 02, 2007	fem / black	sold
135	Hilda	Hui	Lief	Sep 08, 2007	fem / black	sold
	-	Leah	Lief	Sep 16, 2007	male	sold
136	Lalan	Leuchen	Lief	Sep 18, 2007	fem / black	?
137	Luna	Leuchen	Lief	Sep 18, 2007	fem / black	sold 1 twin
138	Olive	Olga	Lief	Sep 18, 2007	fem	sold
	-	Viola	Lief	Sep 30, 2007	fem	sold
	-	Nuria	Lief	Oct 22, 2007	male	sold
	-	Lola	Lief	Oct 25, 2007	male	sold
	-	Giulia	Lief	Oct 27, 2007	male	sold
	-	Feli	Lief	Oct 30, 2007		sold
	-	Hauschka	Lief	Dec 12, 2007	1 black	sold / dead
	-	Coe	Lief	Dec 13, 2007	male	sold
139	Zunami	Zaide	Lief	Dec 24, 2007	fem / red	sold

Born

2008

	Nr	Name	Cow	Bull	Date of Birth	Sex / Color	Comments
		Klaus	Kasiopaiia	Lief	Jan 04, 2008	male / red	sold
		Biene	Blümel	Lief	Jan 08, 2008	fem / red-white	sold
		-	Liova	Lief	Jan 12, 2008	male	sold
		-	Vaidka	Lief	Mar 02, 2008		dead
	140	Aida	Allegria	Lief	Mar 05, 2008	fem / yellow	
	141	Sutra	Svetlana	Lief	Mar 10, 2008	fem / black	
		-	Xenia	Lief	Mar 15, 2008	male / red	sold
	142	Bier	Bella	Lief	Apr 09, 2008	fem / brown	
	143	Conga	Ceder	Lief	Apr 09, 2008	fem / brown	
		-	Leona	Lief	Apr 13, 2008	fem	dead stomach infl.
		-	Cantate	Lief	Apr 15, 2008	male / black	market
		-	Anna	Lief	Apr 15, 2008	male / black	sold
	144	Benny	Barbel	Lief	Apr 26, 2008	fem / black	
		Charlotte	Chianti	Lief	May 17, 2008	fem / red-white	sold
	145	Cirah	Charissa	Lief	May 23, 2008	fem / yellow	sold
		-	Bella	Lief	Jul 30, 2008	male	sold
		-	Happy	Lief	Sep 16, 2008	male	sold
	146	Orea	Olga	Ceaser	Oct 12, 2008	fem / brown	sold
		-	Leah	Lief	Oct 17, 2008	male / red	sold
		-	Gabriele		Oct 29, 2008	male / red	sold
	147	Nora	Nuria	Lief	Nov 3, 2008	fem / brown	sold
	148	Gogo	Giulia	Ceaser	Nov 3, 2008	fem / red	sold
		-	Britta	Ceaser	Nov 14, 2008	male / black-white	sold
		-	Lisa	Ceaser	Nov 26, 2008	male / red	sold
	149	Karla	Kasiopaiia	Ceaser	Dec 24, 2008	fem / black	

20.

Born

2009

Nr	Name	Cow	Bull	Date of Birth	Sex / Color	Comments
	-	Viola	Ceaser	Jan 09, 2009		twins dead
	-	Allegria	Ceaser	Feb 24, 2009	fem / red-white	sold
150	Lorena	Ziava	Ceaser	Mar 08, 2009	fem / red-white	sold 20
	Kofus	Zausler	Ceaser	Mar 09, 2009	male / red	sold
	-	Hauschka	Ceaser	Mar 14, 2009	fem / brown	sold
	-	Cantate	Ceaser	Apr 01, 2009	male / red	sold
	-	Feli	Ceaser	Apr 06, 2009	male / red	sold
151	Jorra	Zaide	Ceaser	Apr 16, 2009	fem / red	rotter butcher
	-	Chianti	Ceaser	Apr 16, 2009	fem / red-white	sold
Bull	Vario	Voilka	Ceaser	Apr 28, 2009	male / black/red	sold (next bull) 20
	-	Blümel	Ceaser	Apr 28, 2009	fem / red-white	sold
	-	Zola	Ceaser	May 01, 2009	male	sold
	Aquaris	Anna	Ceaser	May 03, 2009	fem / black-white	sold
	-	Svetlana	Ceaser	May 04, 2009	male / black	sold
	Barbara	Bäbel	Ceaser	May 08, 2009	fem / red-white	sold
	Husgana	Hana	Ceaser	June 08, 2009	male / brown	sold
	Chinabinn	Cola	Ceaser	June 14, 2009	fem / red	sold
	-	Xenia	Ceaser	June 14, 2009	fem / black	sold
152	Colly	Clarissa	Ceaser	June 20, 2009	fem / brown	sold
153	Bellsa	Bella	Ceaser	July 1, 2009	female / black	rotter
	-	Gabrielle	Ceaser	Aug 24, 2009	male / red	sold
	-	Giulia	Ceaser	Sep 01, 2009	male / red	sold
154	Orillia	Olga	Ceaser	Sep 03, 2009	fem / red	sold
	-	Natascha	Ceaser	Sep 22, 2009		dead
	-	Hazel	Ceaser	Sep 23, 2009	fem / red-white	sold
155	Anola	Arabella	Ceaser	Sep 30, 2009	fem / brown	sold
	-	Happy	Ceaser	Sep 24, 2009	male / black	sold
156	Cabella	Ceder	Ceaser	Oct 03, 2009	fem / brown	sold to Albert
	-	Anja	Ceaser	Oct 07, 2009	fem / black	sold
	-	Heidi	Ceaser	Oct 13, 2009	male / red	sold
	-	Britta	Ceaser	Oct 12, 2009	male / black	sold
	-	Clare	Ceaser	Oct 18, 2009	fem / brown	sold



Born

2010

Mr	Name	Cow	Bull	Date of Birth	Sex / Color	Comments
	-	Camilla	Ceaser	Jan 01, 2010	Bull	sold
	-	Cecile	Ceaser	Jan 05, 2010	male	sold
	-	Channelle	Ceaser	Jan 18, 2010	male	sold
	-	Hauschka	Ceaser	Jan 25, 2010	male / red	sold
	-	Allegria	Ceaser	Jan 29, 2010	male / brown	sold
	-	Cantate	Ceaser	Feb 02, 2010	female / brown	sold
	-	Feli	Ceaser	Feb 12, 2010	male / red	sold
	-	Coolia	Ceaser	Jan 20, 2010	male / white	sold
	-	Zaide	Ceaser	Mar 02, 2010	male / red	sold
	-	Liova	Ceaser	Mar 09, 2010	male / black	sold
160	Xoffi	Lola	Ceaser	Mar 10, 2010	female / red	sold to Alberta
161	Venus	Voidka	Ceaser	Mar 10, 2010	female / red	
162	Xania	Xenia	Ceaser	Apr 25, 2010	female /	
	-	Hana	Ceaser	Apr 28, 2010	/ black	sold
	-	Anna	Ceaser	Mar 16, 2010	male / black	sold
	-	Viola	Ceaser	May 06, 2010	female / brown	given to B. D. auction winner
	-	Lourdes	Ceaser	May 09, 2010	male / red-white	sold
	-	Cola	Ceaser	May 17, 2010	male / black	sold
163	Brandy	Bella	Ceaser	May 14, 2010	female / red	sold to Alberta
	-	Svetlana	Ceaser	June 29, 2010	male / black	sold
	-	Clarissa	Ceaser	July 01, 2010	male	dead
	-	Olya	Ceaser	July 03, 2010	female / red-white	sold
164	Galina	Guillia	Ceaser	July 13, 2010	female / red	
165	Luzerne	Leuchon	Ceaser	July 13, 2010	female / red	
166	Amica	Arabella	Ceaser	July 30, 2010	female / black	
	-	Natascha	Ceaser	July 30, 2010	female / red-white	sold
	-	Frida	Ceaser	Aug 06, 2010	male /	sold } twins
	-	Feida	Ceaser	Aug 06, 2010	female /	dead } twins
	-	Clare	Ceaser	Aug 06, 2010	/ black	sold
167	Cleopatra	Ceder	Ceder	Sep 07, 2010	female / red	sold
	-	Heidi	Ceaser	Sep 14, 2010	male / red	sold
168	Namibia	Muria	Ceaser	Sep 18, 2010	female / black	butcher
	-	Vera	Ceaser	Oct 06, 2010	male	
	-	Lavendel	Ceaser	Oct 09, 2010	male	sold } twins
	-	Lavendel	Ceaser	Oct 09, 2010	female	sold } twins
	-	Lalau	Arrow	Nov 01, 2010	female / black-white	sold



Bull	Carlos	Cecile	Ceaser	Nov 09, 2010	male / red	sold	(next Bull)
	-	Channelle	Ceaser	Dec 02, 2010	male	sold	
	-	Frida	Ceaser	Dec 02, 2010	male	sold	
	-	Cantate	Ceaser	Dec 10, 2010	male	sold	
	-	Hauschka	Ceaser	Dec 18, 2010	male	sold	
	-	Cenny	Arrow	Dec 26, 2010	male	dead	first calf

Born

2011

Nr	Name	Cow	Bull	Date of Birth	Sex / Color		Comments
					Sex	Color	
	-	Feli	Ceaser	Jan 02, 2011	male	/ black	sold
	-	Sutra	Arrow	Jan 08, 2011	female		sold first calf
	-	Auka	Arrow	Jan 15, 2011			sold
169	Vivian	Voidka	Ceaser	Jan 18, 2011	female	/ black	
	-	Zaide	Ceaser	Jan 22, 2011			sold (milk first)
	-	Barbel	Ceaser	Jan 29, 2011			sold
170	Leoni	Lola	Ceaser	Jan 31, 2011	female	/ yellow	
	-	Anna	Ceaser	Feb 03, 2011	female	/ black-white	sold
	-	Lisa	Ceaser	Feb 12, 2011	male	/ red	sold
	-	Lana	Arrow	Feb 22, 2011	male	/ black	sold
171	Baccardi	Bier	Arrow	Feb 03, 2011	female	/ red	
	-	Aida	Arrow	Mar 10, 2011	female		sold
	-	Cirah	Arrow	Mar 18, 2011	female		sold
172	Xahara	Xenia	Ceaser	Mar 25, 2011	female		sold
	-	Canga	Arrow	Mar 29, 2011	female		sold
	-	Bella	Ceaser	Apr 12, 2011	male		sold
173	Clover	Claudi	Ceaser	May 12, 2011	female		
	-	Lourdes	Ceaser	May 24, 2011	male	/ black	sold
174	Nancy	Natascha	Ceaser	June 10, 2011	female	/ brown	sold
175	Subaka	Svetlana	Ceaser	June 14, 2011	female	/ black	sold to Alberta
176	Omi	Olga	Ceaser	June 17, 2011	female	/ red	
177	Gierda	Guillia	Ceaser	June 21, 2011	female	/ red	
178	Blossom	Blumel	Ceaser	June 23, 2011	female	/ brown	
	-	Nuria	Ceaser	June 25, 2011	male		sold
	-	Viola	Ceaser	July 25, 2011	male		sold
	-	Clair	Ceaser	Aug 01, 2011	male		sold
	-	Arabella	Ceaser	Aug 06, 2011	male		sold
179	Corinna	Cda	Ceaser	Aug 09, 2011			sold Corinna
	-	Heidi	Ceaser	Aug 14, 2011			sold
180	Chiva	Ceder	Ceaser	Aug 16, 2011	female		
	-	Benny	Vario	Aug 20, 2011			sold
	-	Anja	Ceaser	Aug 22, 2011			sold
181	Celina	Clematine	Ceaser	Sep 03, 2011	female	/ black	sold to Alberta
	-	Lalau	Ceaser	Oct 24, 2011	male		sold
182	Flora	Frida	Ceaser	Nov 06, 2011	female		
Bull	Thor	-	-	Dec 02, 2011	male	/ black pure bred	imported cal from Quebec first import in nearly 18yr

Born

2012

Nr	Name	Cow	Bull	Date of Birth	Sex / Color	Comments
183	Simone	Sabra	Vario	15 Jan 2012	fem	
	-	Chauvelle	Vario	Jan 23, 2012	male / white pink head	sold
	-	Anka	Vario	Jan 25, 2012	male	sold
184	Zibelle	Zana	Vario	Jan 27, 2012	fem	
185	Alena	Aida	Vario	Jan 27, 2012	fem	sold black
	-	Lavendel	Vario	Feb 02, 2012	male	sold
	-	Cirah	Vario	Feb 02, 2012	male	sold
	-	Zaide	Vario	Feb 12, 2012	fem / red / white	sold
	-	Zaide	Vario	Feb 12, 2012	fem / red / white	sold } twins
	-	Celine	Vario	Feb 15, 2012	male / brown	sold
186	Laurencia	Lola	Vario	Mar 03, 2012	fem / yellow	
	-	Hauschka	Vario	Feb 25, 2012	male	sold
	-	Canga	Vario	Mar 08, 2012	male	sold
	-	Aunta	Vario	Mar 15, 2012		black/white sold
	-	Claudi	Vario	Mar 14, 2012		sold
187	Xasia	Xenia	Vario	Mar 15, 2012	fem / black	sold to Alberta '13
	-	Bier	Vario	Mar 23, 2012	male	sold
188	Zualla	Zora	Vario	Mar 24, 2012	fem	sold butchered 2013
	-	Voidka	Vario	Mar 27, 2012	male	sold
	-	Feli	Vario	Apr 01, 2012	fem / red	sold
	-	Cenny	Vario	Apr 05, 2012	male / red	sold
189	Oktavia	Olga	Vario	Apr 13, 2012	fem / red	sold red
190	Gauda	Guillia	Vario	Apr 14, 2012	fem	sold gone with Mark
	-	Vera	Vario	May 19, 2012	male / red / white	sold (milk fire)
	-	Cantate	Vario	May 23, 2012	male / red	sold
	-	Viola	Vario	June 03, 2012		sold
	-	Lourdes	Vario	June 05, 2012		sold
	-	Natascha	Vario	June 08, 2012		sold
	-	Blümel	Vario	June 25, 2012		sold
191	Hanna	Heidi	Vario	July 07, 2012	fem / brown	
192	-	Clementine	Vario	July 14, 2012	fem	sold 2013
193	Bernice	Bella	Vario	July 20, 2012	fem	
194	-	Ceder	Vario	Aug 05, 2012	fem	sold



Born

2013

Nr	Name	Cow	Bull	Date of Birth	Sex / Color	Comments
	-	Karla	Vario	Jan 04, 2013	fem / black	sold
	-	Anna	Vario	Jan 24, 2013	male / black	sold
198	Connie	Conga	Vario	Feb 04, 2013	fem / red	
199	Xavier	Xenia	Vario	Feb 05, 2013	fem / black	
	-	Claudi	Vario	Feb 15, 2013	male	sold
	-	Pier	Vario	Mar 23, 2013	male	sold
	-	Olga	Vario	Mar 24, 2013	fem	sold (milk free)
200	Susie	Svetlana	Vario	Mar 24, 2013	fem / black	
	-	Zora	Vario	Apr 10, 2013	fem	sold
	-	Anka	Vario	Apr 26, 2013	male	sold
	-	Vera	Vario	Apr 30, 2013	male	sold
	-	Benny	Vario	June 02, 2013	male	sold Jan 2015
	-	Heidi	Vario	June 08, 2013	male / red	sold June 2015
	-	Natascha	Vario	June 09, 2013	male / black/white	sold June 2015
	-	Zuzerne		July 03, 2013		stead on pasture
Bull	Laurenz	Lisa	Vario	July 03, 2013	male / red	
	Norman	Nuria	Vario	July 13, 2013	male / red	sold 23, July 20
201	Vanessa	Vida	Vario	July 20, 2013	fem / black	
	Colio	Clementine	Vario	July 21, 2013	male / brown	sold 30 July 20
	Lollipop	Louder	Vario	July 22, 2013	male / red	sold 30 July 20
	-	Louisa	Vario	Sept 2, 2013	male / black	dead 30 Sept 2013
	-	Galina	Vario	Sept 9, 2013	sem / red	dead on pasture
	-	Namibia	Vario	Sept 10, 2013	dead	
	Alve	Arnica	Vario	Sept 27, 2013	male	sold
	-	Cantate	Vario	Oct 18, 2013	mal	sold
	-	Venus	Vario	Oct 28, 2013	sem red	
	-	Sutra	Vario	Nov 1, 2013	male / black	

Name	Cow	Bull	Date of Birth	Sex	Notes	Price
-	Baccardi	Carlos	14 January			
205	Chanelle	Carlos	15 July	female	red	
204	Xapa	Carlos	10 March	female	red	
206	Xapa	Xenia	Carlos	10 Feb	bull	
		Anna	Carlos	15 March	bull	sold \$7 211
		Claudi	Carlos	19 March	bull	sold 212
		Svetlana	Carlos	20 March	bull	sold \$7 213
207	Orchid	Olga	Carlos	20 March	female	sold \$7
208	Belinda	Beany	Carlos	11 April	female	214
		Bien	Carlos	21 April	bull	sold \$7
209	Hilda	Heidi	Carlos	1 May	female	red
210	Nora	Natasha	Carlos	14 May	red	
		Aida	Carlos	22 May	bull	sold \$7
		Lisa	Carlos	16 June	bull	sold \$7
		Vida	Carlos	17 June	bull	sold \$7
		Nura	Carlos	26 June	bull	dead 215
						216

Heifers to pasture - 21 returned Nov. 10

200	Suzie	Svetlana	182	Flora	Frida	
199	Xavier	Xenia	180	Chiva	Ceder	R
198	Cornie	Couga	179	Corinna	Cola	R
197	Lulu	Lola	178	Blossom	B. Blaine	R
196	Carey	Chanelle	177	Gerda	B. Guillig	R
195	Amelie	Anja	176	Oari	B. Olga	R
193	Bernice	Bella	174	Nancy	B. Mataschuk	
191	Hannah	Heidi	173	Claver	B. Claudi	
189	Octavia	B. Olga				
186	Lawencia	Lola				

217

2014

~~182 Flora Frita~~

~~180 Chiva Cedar~~

179

	Name	Cow	Bull	born	Sex
	Louise				
211	Lana	Louise	Carlos	28. July	♀
212	Geena	Ballina	Carlos	19. Aug.	♀
213	Lilly	blud	Carlos	19. Aug.	♀
new Bull	<u>Ceren</u>	Chiva	Thos	20. Aug.	♂ New Bull
		Blossom	Thos	20. Aug.	♂ Keady
214	Selema red	Geena	Thos	22. Aug.	♀ Dead
	Guida	Oni	Thos	24. Aug.	♂ Keady
		Carina	Thos.	29. Aug.	♂ Keady
		Flora	Thos.	8. Sept.	♂ Keady
		Clementine	Carlos	11. Sept.	♀ Keady
		Sutra	Carlos	29. Octob	♀ Keady
215	Vannee red	Venus	Carlos	6. Novemb	♀ Keady
216	Vincy red	Vivian	Carlos	30. Novemb	♀
	Lotti	Lalau	Carlos	2. Decemb	♀ Keady
217	Lotti red	Leoni	Carlos	8. Decemb	♀
		Bacardi	Carlos	13. Dec	♂ Keady
		lola	Carlos	17. Dec	♂ dead?

14 ♀
16 ♂

Figur	Call name	Mother	Bull	Date	Sex
	twins	Anica	Carlos	Jan H.	♂
218	Lolita	Libelle	Thor	Jan 5.	♀
219 New Bull	<u>Lotus</u>	Laurencia	Thor	Jan 23.	♂
219	XoXo	Xania	Carlos	Jan 28.	♀
	CONAN	CONGA	CARLOS	FEB 4	♂
220	Sasha Sasha	Simone	Thor	Feb 7	♀
		Alena	Thor	Feb 22.	de
		Benny	Carlos	March 12.	re
221	Anica	Anca	Carlos	March 29.	♀
		Xenia	Carlos	May 2.	♂
		Viola	Carlos	May 20	♂
		Svetlana	Carlos	May 27	†

Carlos gone no breeding June 4
 Laurentz starts breeding March 4. 20
 are calves fr. Laurentz.

222	Neomi	Neomi	Nuvia	Carlos	June 12.	♀
223	Goue	Gallina	Carlos	Carlos	June 16	♀
		Madaska	Carlos	Carlos	June 24	†
		Aida	Carlos	Carlos	June 28	†
224	Lightning	Louder	Carlos	Carlos	June 29	♀
225	Bayelic	Bier	Carlos	Carlos	July 1.	♀
		Olya	Carlos	Carlos	July 6.	de
		Corinna	Carlos	Carlos	July 13.	ca
		Blossum	Carlos	Carlos	Aug. 20.	♂
		Clive	Carlos	Carlos	Aug. 21.	♂
226	Gorgeous	Gecka	Carlos	Carlos	Aug. 26	♀
227	Flower	Flora	Carlos	Carlos	Sept. 16	♀
228	Susan	Saba	Carlos	Carlos	Sept. 16.	♀
229	Olivia	Omi	Carlos	Carlos	Sept. 20	♀
		Vivian	Carlos	Carlos	Sept. 25	♀

Tag	Call name	Notes	Bull	Birthdate	Sex	?
		Baccardi	Carlos	Oct. 13.	♂	Kealey
		Leoni	Carlos	Nov. 7.	♂	+
230	Libbey	Lisa	Carlos	Nov 14	♀	Frank
		Amelie 195	Laurier	Nov. 30	♂	Kealey
		Sadie	Laurier			
		Venus	Carlos	Dec 1	♂	Kealey
		Sadie	Laurier	Dec 6	♀	Kealey
		Lulu	Laurier	Dec 6	♂	+
		Connie	Laurier	Dec. 15	♀	St. Jacobs
		Xavier	Carlos			
		Xavier	Laurier	Dec 18	♂	St. Jacobs
		Xavier	Carlos			
230	Laura	Laurier	Carlos	Dec 19	♀	
232		Xavier	Carlos	Dec 25	♂	St. Jacob
		Carey	Laurier	Dec 25	♀	

Heifers to Bull Aug. 2015

- 189 Octavia / Laurier
- 191 Hannah / Laurier
- 193 Bonnie / Laurier
- 195 Amelie / Laurier

15 heifers

20 ♀
15 ♂

2016
(Blue tag)

Tag #	Call name	Mother	Bull	Date	Sex
		Lola	Carlos	Mar 2	♂
		Conce	Carlos	Jan 6	♂
231	Calendula	Clemantine	Carlos	Jan 14	♀
232	Beatrix	Benny	Carlos	Feb 14	♀
		Alexa	Lauren	Mar 26	♂
233	Xaitau	Xenia	Lauren	Mar 31	♀
234	Brandy	Bies	Lauren	Mar 24	♀
235	Ayana	Aida	Lauren	June 27	♀
		Nubasha	Lauren	July 1	♀
		Viola	Lauren	July 5	♀
236	Ginger	Gallina	Lauren	July 7	♀
237	Bea	Blosser	Lauren	July 7	♀
238	Opelica	Olger	Lauren	July 7	♀
239	Flora	Flora	Lauren	July 16	♀
240	Colette	Cliver	Lauren	July 23	♀
241	Colette	Oui	Lauren	July 23	♀
242	Nadine	Nurid	Lauren	July 24	♀
	Lauren to butlers			August 4	
		Just called t. Lotus	May 6. Lotus		
243	Visa	Venus	Lotus ^{Lauren}	Nov 23	♀
244	Lexi	Lulu	Lotus	Dec 4	♀
	Klantis	Vanessa	Lotus	Oct 10	♀
		Arnica	Lotus	Dec 17	♀
		Amelie	Lotus	Dec 4	♀
		Clementine	Lotus	Dec 4	♂
		Xavier	Lotus	Nov 21	♂
		Suzie			♀
		Baccardi	Lotus	Sep 28	♂
		Sutra	Lotus	Sep 12	
		Leoni	Lotus	Sep 15	

2017
(yellow tag)

Di		Calf	Mother	Bull	Date	Sex/Age
De	246	Lavender	Libelle	Lotus ^{Laurens}	Jan. 15	♀ 1st
		first calf	Xtapa	Lotus ^{first calf}	Jan 27	♂
	247	Sahara	Svetlana	Lotus Laurens	Feb 01	♀
		first calf	Orchid	Lotus	Feb 03	♂
		first calf	Kiwi	Lotus	Feb 07	♂
	248	Xarina	Xenia	Laurens	Feb 08	♀
			Benny	Laurens	Feb 21	♂
			Saskia	Lotus	March 06	♀
			Catya	Lotus	March 16	♀
			Carey	Laurens	March 27	♀
			Lolita	Lotus	April 12	♂
			Alena	Lotus	May 09	♂
	249	Annie	Aida	Lotus	May 20	♀
			Viola	Lotus	May 20	♂
	250	Clara	Chiva	Lotus	June 10	♀
			Omi	Lotus	June 23	♂
			Bier	Lotus	June 25	♂
			Sotra	Lotus	Aug 10	♂
			Vivian	Lotus	Aug 20	♂
			Vanessa	Lotus	Aug 25	♂
			Nuria	Lotus	Sep 02	♂
			Baccard.	Lotus	Sep 15	Dead
			Lola	Lotus	Sep 15	Dead
	251	Nelly	Nana	Lotus	Sep 27	♀
	252	Verena	Vera Venus	Lotus	Oct. 02	♀
	253	Lepidia	Lana	Lotus	Oct. 10	♀
	254	Daisy X	Xavier	Lotus	Oct 07	♀
			Vincy	Lotus	Oct 29	♂
			Genevieve	Lotus	Nov 08	♀
			Hilda	Lotus	Nov 12	♀
	255		Lucrecia	Lotus	Nov 15	♀

256	Bessie	Belinda	Lotus	Nov 20	♀
257	Nola "A"	Amelie	Lotus	Nov 24	♀

Summer pasture

Heifers: 216, 210, 209, ^{Need} (219), 217, 208, 223, 211, (214), (213), 224
 222, 225, 227, 228, 229, 230, (231), 232, (233), (237)
~~238~~ (238), 239, 242, 234, 235, 240, 241

Dry cows: Sutra, Ami, Aler, Vanessa, Chiva

Total
33

Butcher

Clementine August 17

2018

#	calf	Mother	Bull	Date
		Connie	Lotus	Jan 01
258	Loerchen	Lulu	Lotus	Jan 18
		Orchid	Lotus	Jan 24

This is Exhibit "E" referred to in the Affidavit of

Elisa Vander Hout sworn March 20, 2018



Commissioner for Taking Affidavits (or as may be)

Mary Frances Heffernan
a Commissioner, etc.,
Province of Ontario,
for Fallis Fallis & McMillan
Barristers and Solicitors.
Expires September 11, 2018.

tag #	name	birthdate
bulls		
	Odin	03-Feb-17
cows		
	97 Nuria	15-Jul-05
	99 Lola	18-Jul-05
	101 Xenia	20-Nov-05
	141 Sutra	10-Mar-08
	142 Bier	05-Apr-08
	144 Benny	26-Apr-08
	161 Venus	10-Mar-10
	169 Vivian	18-Jan-11
	171 Baccardi	03-Feb-11
	176 Omi	17-Jun-11
	178 Blossom	23-Jun-11
	180 Chiva	16-Aug-11
	184 Libelle	27-Jan-12
	186 Laurencia	03-Mar-12
	195 Amelie	13-Oct-12
	196 Carey	01-Dec-12
	197 Lulu	31-Dec-12
	198 Connie	04-Feb-13
	199 Xavier	05-Feb-13
	206 Xtapa	10-Feb-14
	204 Kiwi	10-Dec-13
	205 Catya	14-Dec-13
	207 Orchid	20-Mar-14
	208 Belinda	11-Apr-14
	209 Hilda	01-May-14
	210 Nora	14-May-14
	216 Vincy	30-Nov-14
	217 Lotti	08-Dec-14
	218 Lolita	05-Jan-15
	219 Xoxo	29-Jan-15
	220 Saskia	07-Feb-15

2-3 year olds

	221 Arnica	29-Mar-15
	212 Gelena	06-Aug-14
	223 Gone	16-Jun-15
	224 Lightning	29-Jun-15

225 Baylie	01-Jul-15
227 Flower	16-Sep-15
228 Susan	16-Sep-15
229 Olivia	20-Sep-15
230 Laura	19-Dec-15

yearlings

231 Calendula	14-Jan-16
232 Beanie	14-Feb-16
233 Xeileen	31-Mar-16
234 Brandy	24-Jun-16
235 Ayana	27-Jun-16
237 Bea	07-Jul-16
238 Ophelia	07-Jul-16
239 Flower	16-Jul-16
240 Colette	23-Jul-16
241 Odette	23-Jul-16
242 Nadine	24-Jul-16
243 Visa	23-Nov-16
244 Lexi	04-Dec-16
245 Lina	25-Dec-16
246 Lemon	31-Dec-16

calves

247 Sahara	01-Feb-17
248 Xarina	08-Feb-17
249 Annie	20-May-17
250 Clover	10-Jun-17
251 Nelly	27-Sep-17
252 Vesena	02-Oct-17
253 Lupine	10-Oct-17
254 DaisyX	07-Oct-17
256 Bessi	20-Nov-17
257 Nola	24-Nov-17
258 Loenchen	18-Jan-18
259 Kali	02-Feb-18

This is Exhibit "F" referred to in the Affidavit of
Elisa Vander Hout sworn March 20, 2018


Commissioner for Taking Affidavits (or as may be)

Mary Frances Heffernan
a Commissioner, etc.,
Province of Ontario,
for Fallis Fallis & McMillan
Barristers and Solicitors.
Expires September 11, 2018.

Name: Glencolton Farms

This RAMP document contains a size appropriate frequency of monitoring, sampling and testing plan which identifies potential risks that are present at the farm. Management practices are set up to reduce, manage, or mitigate those potential risks. See also Standard Sanitary Operating Procedure (SSOP) for milking and bottling and Critical Control Points (CCP) document for remedial action in case of deviation or failure.

A	Farm Conditions	Risk Reduction	GMP	SSOP	CCP
1	<p>Overall Management: Glencolton Farm is a bio-dynamic farm since 1983. Many aspects of holistic management tools are part and parcel of this operation. The goal is to develop a closed Farm-Organism and a distinct Farm Individuality created by climate, soil, vegetation, animals and people. This provides the foundation for the overall concept of a healthy environment and healthy, safe food.</p>	<p>The holistic approach to bio-dynamic farming creates an overall biosecurity</p>	X		
2	<p>Pasture: In our climate we only can graze 6 months. This requires careful and long-term planning to consider all aspect of proper rotation, composting, clipping, haying and re-seeding without disturbing the existing permanent pasture structure.</p>	<p>Pasture feeding for optimum health</p>	X		
3	<p>Barn: If a visitor entering the barn does not remark that this barn is incredible CLEAN, then it is not clean enough. Utmost cleanliness is demanded from anybody wanting to work or learn at Glencolton Farms. Clean cows, clean bedding every day twice, manure removed also twice a day. White washing once a year, clean water, clean troughs.</p>	<p>Overall attention to detail creates a stable environment of cleanliness</p>	X		
4	<p>Yards and pathways: Constant upkeep of yards is a must. Scraping manure, maintaining drainage for water to runoff, Proper gravel for lane ways where cows walk. Concrete pads for manure storage.</p>	<p>Common sense attention to possible sources of contamination</p>	X		
5	<p>Buildings: Constant upkeep is done through annual</p>	<p>Buildings unfit to safely house</p>	X		

	<p>assessment. Roof repairs, eves troughs, walls, holes in floors, windows, gates, doors. Plumbing, electrical wiring, lights and motors.</p>	<p>animals and feed, leads to critical situations in regards to food safety and animal wellbeing Fly control through natural predators placed monthly around the barn. Rodents are dealt with through cats and guinea hens against rats</p>			
6	<p>Human resources: Team development based on skills, social ability and age. Responsibilities are designated by abilities and work experience. Incorporating training, and part time workers. Management reviews from a human capacity aspect.</p>	<p>Only through well trained staff safety programs can be maintained</p>	X		
7	<p>Co-Operative Member responsibility: Annual on-farm training sessions required for Co-op members to keep shares in the farm.</p>	<p>Requirement for member-ownership contained in the by-laws and application form.</p>	X		
8	<p>Finances and book-keeping: Regular bookkeeping and record keeping is mandatory and necessary for sound management decisions. Good cash flow important so that no forced short cuts could endanger food , animal and general farm safety.</p>	<p>Always up to date book keeping and budgeting necessary. Up to date tax payment, to prevent harassment which otherwise creates unnecessary stress levels.</p>	X		
9	<p>Social standing. Open houses, good relationship with neighbors, local community, suppliers, and Government agencies.</p>	<p>Only open communication can create an environment of overall food safety</p>	X		
B	<p>Animal health, Nutrition and Living Conditions</p>				
1	<p>Herd Health: A common sense approach to herd health. Reducing the danger of contamination by closed herd approach. No animals introduced in the herd from other farms. No mingling with other animals from other farms. In case of emergency veterinary assistance will be used.</p>	<p>A closed farm organism is the ultimate bio security</p>	X	X	

	Heritage Breed "Canadienne" oldest dairy breed in North America known for resilience and health. Annual review by licensed veterinarian according to the CQRM program.				
2	In the winter cows have to have twice a day exercise outside even at – 25C. In the summer 24 hours pasture	Overall health of cows	X		
3	In the summer only pastures and if necessary Hay to balance ration. In the winter hay, and two handful of grain. Kelp, mineral feed, leaf hay. Salt and love.	Overall health of cows	X		
4	Barn for animals should be kept as good and clean as we expect to live ourselves.	Well being of cows and animals in general	X		
5					
C	Milk Handling and Management				
1	Milking: Milking is done twice a day in 4 groups of 8 in a milking parlor. Groups are based on age , stage of lactation, SCC, Treated cows are marked with red leg bands. Dry cows are marked at their place with red tape. Milking system is on a 6 week schedule for liner replacement. 6 month schedule for pipeline system and 12 month total maintenance cycle	To detect any failure prior to any possible contamination through faulty system	X	X	
2	Milk house: Separation between barn and processing. Contains water treatment system including ultra violet treatment and softener.	To prevent cross contamination	X		X
3	Processing Facility: No direct access from barn. Change of cloth mandatory. See SOP cheese house.	Strict separation has to be followed, see SOP	X	X	X
4	Regular testing of bulk tank milk mandatory Water testing	Any deviation from minimum standards see CCP Standards see RAWMI	X	X	X
5	Glass bottle return, washing, filling	Strict following of SOP		X	X
6	Processing into cheese, sour cream, cream, cottage cheese	Strict following of SOP		X	X
7	Cleaning schedules	Strict following of SOP		X	X
8	In house testing 3 week age testing	Strict following of SOP		X	X

	Fresh warm milk testing				
D	Human Risk Factors				
1	Strict training procedures. Performance reviews, Health requirements.	Only through training a proper continuity is warranted	X	X	X
2	Holistic management method and training. Understanding food safety from soil to table	Food safety Herd health			
3	Regular check up of product consistency with all involved	Food safety and quality			
E	Testing Protocols and Documentation				
1	DHI Dairy Herd Improvement program every four weeks: SCC, Protein, Fat, Production, Pregnancy, Johns disease. Every four week sample testing with Agri-Food Lab in Guelph	Food safety and quality		X	X
2					

Preliminary Production Guidelines for Cow Share Canada June 2010

Testing

1. 100% State Certified Johnes free herd
 2. Certified TB free
 3. PI count less than 75,000
 4. Standard plate count maximum 10,000 maximum (under 5000 is considered excellent)
 5. Coliform maximum-ml-----10
 6. Antibiotic residue -----0 tolerance
 7. BST-rBGH use-----0 tolerance
 8. Salmonella-----0 tolerance
 9. E-coli--157H7-----0 tolerance
 10. Listeria Monocytogenes-----0 tolerance

 11. Monthly bulk tank cultures to identify system failures & mastitis types
 12. Utilize 6 month milking system maintenance programme
 13. Somatic cell count on program herd---300,000 maximum on yearly average
 14. All program farms should submit a preliminary milk sample prior to inception of a direct consumption program to test for above listed pathogens.

 15. Brucellosis free herd
 16. TB test yearly for employees of program farms
 17. Infections changed at least every 300 milkings
 18. All milk from antibiotic treated cow will be discarded (dumped, not fed to calves)

 19. Milk samples should be tested every month for Coli form, and plate count.
 20. Ill and or sick employees are to be relieved of milking duty while symptoms persist

 21. Utilize a pasture program
 22. Any new employee will pass TB test prior to beginning employment on direct consumption farm, unless that employee has absolutely no contact with
-

any of the farms livestock, milk house and or milking system and animal housing facilities.

23. Bio-security concerns outlined in Bio-security protocols should be implemented as to not contaminate.

24. Any purchased milk cows, heifers, calves entering the program herd should meet all above protocols before they enter the direct consumption herd, or pass above tests when age appropriate. (The ultimate goal is a completely closed herd with no animal purchased from the outside)

26. All monthly milk tests must be performed at an accredited lab, as well as detailed initial tests.

27. It is recommended that direct consumption farms use a herd testing program (like DHI) to monitor cow production as well as cell counts. This will allow you to cross reference with bulk tank culture results from DHI and identify problem cows and take appropriate action.

28. It is recommended that you culture cows with a 500,000 or higher cell count to determine mastitis type and take appropriate measures. This will also allow you to prevent the spread of any mastitis from cow to cow and create a larger problem in a very short time.

A. High cell count cows protocol

1. If pre-milking strip practices determine possible mastitis, move cow to milk last or mark cow and disinfect milking unit prior to milking next cow.

2. Have mastitis typed while performing protocols listed in #1 until type is known, treat accordingly, return cow to normal milking order when problem has been resolved.

29. Cull all Staph Aureous positive cultured type of mastitis infected cows, and sample/culture heifers born to such cows before introducing milk from suspect heifers for direct consumption.

A. Staph infections can be transferred to humans from infected cows as well as from cow to cow. It is generally known that these types of infections are impossible to treat completely and will remain constant at low levels and can infect other cows with milking equipment. Current remedies for Staph Mastitis are being developed in Homeopathic remedies with some degree of success, but conventional antibiotics have lost their effectiveness to treat Staph Mastitis.

Direct Consumption suggested safety protocols.

Any milk house that is to be used for a direct consumption program should meet all milk house regulations to Grade A standards for the state or province in which it is located.

As an added benefit to yourself and given this venture and the almost processing nature in its handling, here are some dairy plant requirements that will help in your goal of the highest standards in quality and cleanliness.

- a. Quality storage cabinets raised off floor
- b. Stainless storage shelves(buckets milking can storage to keep odd ball stuff off floor which allows floor to dry)
- c. High-speed exhaust fan on humidistat to remove heat and moisture for ventilation (preferably in the ceiling with barriers to outside contaminates when not in service.)
- d. Foot bath at entrance
- e. If flies are a concern due to large populations, a fly ban fan at entrance is suggested. Or there are natural products available that can reduce fly numbers.
- f. A hot and cold water outlet with its own hose and hose hanger separate from the wash vat faucet. (please see Milk House rules)
- g. The milk house is not a storage room and most regulators do not allow storage (please see Storage for details)

THE TANK

- a. Should pass all Grade A standards and must be in good repair and look good to your clients.
 - b. It would help your clients to raise the tank off the floor about 2 feet to make it easy for clients to fill containers.
 - c. Post all milk house rules and procedures on the tank.
 - d. Make it as easy as possible to fill containers and follow the rules.
-

- e. Wash the outside of the tank every 3 months or so with an acid wash made for aluminum and stainless as well as your bi- daily washing of the inside.
- f. It is infinitely harder to keep something clean if you are forced to move things in order to hose down your milk house and or keep it clean in general.
- g. Quality cabinets are a must in order to store your dry products. A stainless or high quality wall or floor stand rack is needed to store items that require washing regularly.
- h. Remember that a clean and open floor as much as possible dries more quickly and is easier to keep clean and antiseptic (please see Cleaning Suggestions.)
- i. Before purchasing cabinets, remember that they will be in a high moisture environment. Choose your cabinets for that reason, so as to not have to buy new ones within a year.

The Farmer's Milk House Rules

- a. Leave no milk in any milk house in any open or unopened container, either for calves or pigs or yourself, unattended, and/or unmarked or un-denatured. All cleaning supplies, disinfectants, milk pipeline cleaners, etc. should be kept in the cabinets and away from any milk source.
- b. When using before-mentioned, make sure that the equipment has been completely rinsed and no residue will contaminate the milk.
- c. Wash your bulk tank often and double check the automatic washer: you are no longer sending that milk to be pasteurized to cover a malfunctioning machine. A brief explanation to the bulk tank technician may be in order. You are paying him to keep your washer at a higher standard than he is used to.
- d. Wash your floor often and with something that smells clean but not too overpowering. That cleanliness is a direct reflection on the perceived quality of your milk and attention to detail.
- e. Post all milk house licensed info and test results in a highly visible place.

THE TANK

Cleaning protocols

- a. Follow province/state regulations as to cleanliness and province/state-required cleaning material.
-

b. Due to the draw down issue you will be washing the bulk tank and milk house more often. This is both a health/safety and public relations issue; a little extra work will net a positive attitude from your clientele.

c. As milk is slowly drawn down in your tank, a film will be left exposed on the sides between cleaning. This film itself is not dangerous unless your self-washing system is faulty and/or you do not draw down and wash your tank completely every two days. This film will begin to sour the milk if repeatedly exposed to new milk. Direct consumption milk producers not using the services of a creamery must completely drain the tank of milk every two days and wash the tank with approved Grade A sanitizers to remove the film that is created by the draw down situation of a direct consumption situation.

Containers

a. Consolidated Bottle in Toronto is a supplier of 1-litre and 2-litre glass bottles (416) 656-7777.

Test protocols

a. To ensure the safety of your product, monitor the milking system with system checks by a qualified tester every six months; this includes the bulk tank and pipeline system.

As a general test of the total safety condition of your herd, it is suggested that you test the milk for the following pathogens and system cleanliness, and monthly bulk tank cultures to ascertain the environmental pressures and practices your milk is subject to. (see bulk tank culture sample list below)

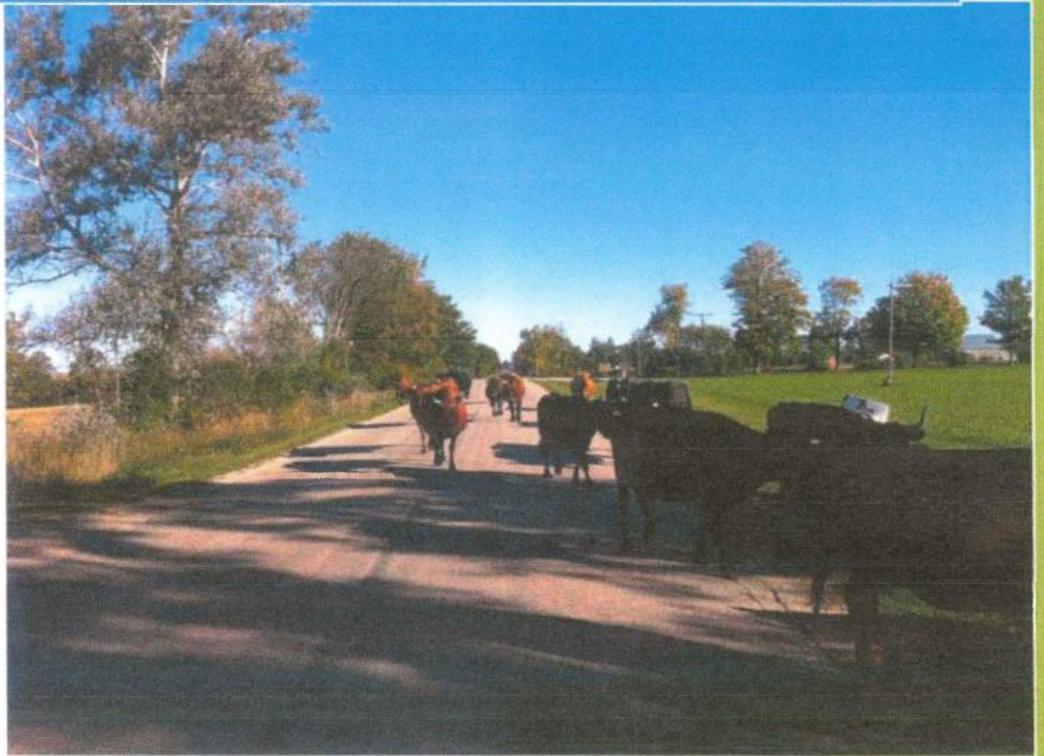
- ❖ Plate count, PI count, coli form, salmonella, e-coli-157h, L-Mono , SCC.
- ❖ An initial test of your herd is suggested before shareholders' pickups begin.
- ❖ After that a monthly test of plate and SCC is suggested to ensure a quality product. (DHI)

b. The test must be pulled under the safest of conditions to ensure a quality test can be run and all aspects of the milk system can be monitored.

c. Most testing facilities have protocols and testing kits available Please follow the instructions of each individual testing facility to ensure the cleanest test possible and lessen the risk of contaminating the sterile containers provided by your testing company.

2016

Standard Operating Procedures



Cheese Kitchen

OFOF/Glencolton Farms

3/1/2016

Table of Contents

Introduction	4
1 st Basic steps	4
Hall way	5
Cooler/Freezer	5
Cheese room	6
Dishwasher Room.....	6
Bottle Room.....	7
Soft cheese.....	8
Hard cheese.....	10
Quark.....	11
Fresh/sweet cream.....	13
Sour cream.....	13
Butter.....	15
Cultured milk.....	17
Milk/bottling.....	18
Colostrums.....	19
Mandatory Milk Testing.....	19
Bottle washing.....	20
Milk filter.....	23
Friday pick up.....	23
Tuesday pick up.....	24
Milk Line washer system.....	25

Maintenance/Cleaning.....25
Accessories/Location.....30
Cleaning log.....32
Production schedule.....33
Milk production record.....34

Hallway

The hall way is the first unit through which everyone enters the cheese kitchen. It is mandatory this area is kept clean, organized, and welcoming always. This hall also follows a monthly cleaning of all walls, ceiling, floor, shelves, doors and windows. The hall is used to keep a number of necessities, most of which is empty milk bottles. Attach to the hall is the outside entrance. This area needs to be swept everyday together with the hall.

Cooler/Freezer

Here is the backbone of the cheese kitchen. Both the cooler and freezer must always be clean and organized. The cooler is kept at a temperature of 35°f/3.5°c and the freezer at 0°c. Our service man for the cooler/freezer is Troy Heating and Cooling. Contact # is 519-881-2617.

If the freezer is being used, every Tuesday after the truck loading leave the doors open to thaw out the ice around the freezer door. After an hour or two use a hammer or a brush handle and knock off the ice. Gather the ice with the dustpan and throw it outside. With a damp rag wipe and clean around the freezer and cooler doors. Also wipe the walls and floors. When done make sure all doors are closed. Switch ON all switches for cooler and freezer on the panel.

Also make sure the light is switched OFF. It is very important that the switch for the fan in the cooler is turned ON.

Cheese Room

In this room is where magic and miracles become great friends. Together they work tirelessly to process and promote the finest and one of the most important products that the world needs. Raw milk!!. For your health and everyday living. Many equipment and tools make up this room. From the cheese vat to the butter barrel and also the standing bulk tank. It is absolutely mandatory this room is kept clean and in the best shape possible. It is recommended that all equipment is cleaned after each use. The cheese room also goes under a complete clean up of all walls, ceilings, floors and equipment every 3 months.

Dishwasher Room

At Glencolton Farms cleanliness is our priority. This room is used for washing and sterilizing all milk jars and dairy processing materials. Every 3 months this room needs to be cleaned entirely and is to follow the same cleaning procedures as the cheese room.

Bottle Room

The bottle room is located on the east side of the cheese house on the top barn. This room is use as storage for new and used bottles and lids. As well as plastic pails and empty cardboard boxes. And of course frozen milk samples and other cold keeping products. Keep this unit well organized and tidy. Empty bottles are to be sorted and stacked in their appropriate crate. If the hall is overstocked with loose bottles then take the extra empty bottles upstairs to store there.

Soft Cheese

Soft cheese is made once a week. On normal days 12 blocks of cheeses are made. 6 to be salted and 6 remain unsalted. Cheese and whey are kept for the members of OFOF . Excess or unused whey is fed to the pigs. It takes 10 Liters of milk to make 1 block of soft cheese. This cheese is made using calf rennet, fermenting cheese culture and at a temperature of 30°C.

1. Check that the cheese vat is clean.
2. Close up the drainage of cheese vat at the bottom.
3. Leave a small pail under the drain in case of a leak.
4. Attach the milk filter to the pipe line.

5. Connect the long plastic pipe to the line with filter attached.
6. Remove the plastic pipe at the bottom right corner.
7. Attach an 'elbow' to the plastic pipe.
8. Open the vat and place the pipe on the edge of it with the elbow facing down.
9. Close the vat.
10. After all milk has been sent through remove and wash the filter for disposal.
11. Check milk temperature.
12. Add culture if temp is 20°C or above.(1pk:100L-150L;2pk:150L-200L)
13. Remove the cold water from the vat by filling the reservoir underneath with hot water and watch milk temp as it rises.
14. When temp reaches 30°C turn off water.
15. If the culture has been in for 30 minutes already, add the rennet now.
(15ml/100L) dilute the rennet with cool water. For 15ml fill the tube ½ full. 20ml or more fill full.
16. Wait 1 full hour.
17. After 1 hour check the cheese to see if it has solidified enough to cut.
18. Cut to desired size.
19. Stir the cheese for 10-15mins to harden the curds.
20. After stirring allow curds to settle and separate from the whey, this takes 5-7mins.
21. Prepare the table for cheese and have clean pails ready to gather whey.
22. Once cheese has settled, gently take out some whey until the curds are visible and are at the same level in vat as the whey.
23. Once ready to form the cheese. Gently stir the curds.

24. Scoop out the curds and pour into forms on the table.
25. The first pail of whey caught is to go to pigs.
26. Save sufficient clean whey for the share holders.
27. On Monday *bottle whey* in 1L jars for the members.
28. Once cheeses have drained and are holding firm together give the first flip.
29. Clean up and put away.
30. Flip again after 30min. And again after 1hr, 2hrs, 3hrs, and 4hrs.
31. Next morning flip unsalted cheeses. Salt amount of cheeses to be salted.
32. Next morning package cheese.
33. Any soft cheeses that are left get cut and put into quark bottles with herbs and olive oil. ("*oil cheese*")
34. Clean up and put away.

Cheese!!!

Hard Cheese

Hard cheese is made once a week.mksmmmkkm.....

50L for 1 round cheese.

Temperature @ 38°C.

Stir for ---minutes.

Hours in the salt brine.

Wash with whey the next day and onward.....mmmmmm.....mmmmmm....

Place in salt brine.

Quark

This quark is made for human consumption. It is made using the same combination of cultures as the cultured milk. Quark is done every Tuesday evening. The milk is separated and the skim milk is warmed up to 42°C. The skimmed milk is left in the vat for 12hrs or until thickened. The cream goes in the incubator with culture added for 12-24hrs or until sour. The next day the two are combined together and the final product is then put into jars for the OFOF members.

1. Be sure that the bulk tank and cheese vat are clean and sterilized and that the milk line is completely sanitized.
2. Attach filter to milk pipe and place it into the bulk tank.
3. Close the tank with the safety tap.
4. Close the drainage at the bottom of the cheese vat.
into the cheese vat.
5. When finish separating, remove cream pail and cover with a lid.
6. Rinse thoroughly the separating unit with hot water before shutting OFF.
7. Shut off the unit.
8. Make sour cream with the cream following the "sour cream procedures" on page..15
9. Connect the water hose to the cheese vat.

10. Slowly run hot water through the vat.
11. Once temperature reaches 42°C shut off water and close the valve on the cheese vat.
12. Gently mix the culture(s) into the milk. 1 ½ tspn Abiasa; ½ tspn yomix/100L.
13. Milk should thicken in 12hrs or the next morning.
14. Clean up and put away.

Next morning

15. Check the sour cream
16. Check the quark
17. If quark is thick enough and ready, cut it and put it on the table.
18. Allow quark to drain for 12-24hrs or until ready. (not too dry)
19. Clean up and put away.

Next morning

20. If quark is well drained, transfer it into a clear plastic tub.
21. With the big steel spoon gently stir the quark breaking the lumps leaving just a few small bits.
22. Mix in 80% or all of the sour cream to the quark. appx:8-10L/tub
23. Place tub of quark on shelf in the walk-in cooler.
24. Clean up and put away.
25. On Thursday/Friday bottle quark for member pick up.
26. On Monday bottle quark for the farm match orders.

Cheers!!!

Fresh/sweet Cream

Fresh milk is separated to make fresh cream. The milk must be at least 20-30°C to separate. Do not cool the milk. Cream is made using the separator unit immediately after milking. This cream stays natural and gets nothing added to it. No cultures, sour cream or anything else. Fresh cream gets bottled into 250ml & 500ml jars using the stainless steel cream bowl and must be bottled and cooled right away.

1. Set up the separator unit.
2. Once milking is done remove the filter and reconnect the pipe line.
3. Have clean pails ready to catch skim milk and cream.
4. Turn ON separator.
5. Warm up separator with hot water.
6. Start separating milk.
7. Pour skim milk in to buckets for the pigs or cool for cheese making
8. Bottle the cream

Sour Cream

When sour cream is made depends completely on the milk volume. This product is made by first separating the fresh milk and then incubating the cultured cream for a period of time.

1. Set up the separator.
2. Have clean pails ready to catch the cream and skim milk.
3. Switch ON the separator.
4. Warm up the parts with HOT water.
5. Open the milk tap and allow milk to separate while watching that the bowl doesn't overflow.
6. Once all milk is separated, mix in a portion of sour cream into the fresh cream. (scoop off from 1 bottle cultured milk the thick cream on top. 1 big silver spoon full for 10-20L; or 3 teaspoon of good sour cream 10-20L) the yoghurt cultures may be used but for best results only the first 2 options are recommended.
7. Immediately place the cultured cream inside the small incubator.
8. Fill the trays with hot water.
9. Make sure temperature is on the mark.
10. Plug in the unit and turn it ON.
11. Clean up and put away.
12. After 12hrs. Check the cream and see if its SOUR.-cream may take up to 24hrs to sour depending on the weather and season.-

Once cream is soured immediately bring it to the walk-in cooler with date and name on it. Shelf life for sour cream is approx. 4 months.

Butter

Our butter is made with sour cream which has been cultured. Hence the name “cultured butter”. The ratio is 1:1. It takes about 2hrs for the cream to turn into butter. Also another 2hrs to process, package and clean up. The butter barrel has a maximum capacity of 160L and 60L minimum.

1. Plug in the barrel.
2. Wash and sanitize the barrel on fast gear for 5-10mins. using soap and hydrogen peroxide.
3. For washing use hot water. For sanitizing use cold water. Appx.2-3pails. Rinse after each.
4. Make sure the unit is safely closed and locked with both door and drain valve in place.
5. Always remain near and supervise the machine.
6. Every so often look through the little glass window to see the stage of the cream.
7. Once cream is butter gently pull the wide handle up to turn OFF the motor.
8. Turn to slow gear and pull down the wide handle turning ON the motor to form the butter.
9. When butter is all ready take out all the butter milk.
10. Save and then *bottle butter milk* into 1L jars for members.

11. Mark **BM** on all butter milk or use gold coloured lids lids.
12. Start the rinse/waxing cycle: 1-fill the barrel with 3 pails cold water. Close all openings when unit is running.
13. On low gear turn ON motor for 5-7mins.
14. Drain and take out milky water for the pigs.
15. 2-Fill the barrel again with 3 pails cold and let it run for 5-7mins.
16. Open the valve and let water drain to the ground.
17. Final: fill the barrel with 6 pails cold water and do not run the machine.
Let this water remain in the barrel causing the butter to float for easier processing.
18. Set up the butter cutter.
19. Set up table(s) for packaging.
20. Have containers ready for storing butter.
21. Have low running cold water going thru the cutter to keep moist.
22. Have a scale handy.
23. Cut and package butter.
24. Store butter.
25. Wash and sanitize the barrel and cutter.
26. Clean up and put away.
27. "Butter is Better".

Cultured Milk

Cultured milk is bottled warm and in warm bottles every Wednesday morning. Bottles are transferred to the shelves in the walk-in cooler the next day. Then goes into milk crates the following day and are for the members of OFOF. Cultured milk is made with a combination of ½ tspn Yo-mix type IV and 1 ½ tspn Abiasa cultures/100-150L. All the bottles go into the large incubator set in dish crates. The milk is then slowly heated to 40°C which takes about 8 hours to complete. The milk remains in the proofer 'til the next day. Then brought to the walk-in cooler on Thursday.

1. Mix the culture(s) into the vat of fresh warm milk immediately after milking.
2. Set bottles inside dish crates for sterilizing.
3. Attach the milk tap and set table for bottling.
4. Sterilize bottles 1 tray at a time in order to have warm bottles.
5. Bottle cultured milk and place all bottles inside proofer.
6. Turn ON milk agitator every few minutes.
7. After all milk is bottled fill up the water tray with hot water.
8. Close and lock the proofer, turn ON the temperature switch to the highest degree and the timer to 8 hours or whatever needed for milk to 'set' b/c time varies with weather and seasons.
9. Clean up and put away.
 Next morning (day)
10. Check cultured milk to make sure all is set and thick all the way thru.

11. If so bring all bottles to the walk-in cooler. If not let stand for longer until set.
12. Clean and wash proofer unit and parts.
Next day
13. Check milk for quality/consistency: sourness, thickness, aroma, and appearance.
14. If so place all bottles into designated crates and stack in 1 row. If not feed to pigs and consult ARC team for trouble shooting.
15. Gently close the cooler door and shut OFF light.
16. Clean up put away.

Milk/bottling

Keep that rawww milk moooving. The essence. Power. Good health. Joy. Happiness. Satisfaction. A very transforming product. Here on Glencolton Farms milk is the core layer of our lives.

Delicious cold raw milk is bottled twice a week. Monday is for the Tuesday member pick up, and Thursday is for the local Friday pick up. Always keep the bulk tank cool active when gathering milk for bottling. Keep track of milk temp. The milk needs to 3°C before bottled. Do a personal taste test before bottling. Also 2 dated milk samples need to be taken out and be kept in the freezer for future reference. All bottles must be sterilized and cold before bottling.

1. Set table and milk tap.
2. Bottle milk while checking bottles and lids for cleanliness.
3. Tightly close all bottles.
4. Fit milk bottles into designated crates.
5. Safely transfer crates to walk-in cooler stacked in rows.
6. Clean up and put away.

Colostrum

Colostrum is the first milk that the cow gives just after calving. It is different from milk in enzymes, color, taste, and aroma. Colostrum has very high medicinal value for both calves and human. Bottle colostrums in 250ml jars for OFOF members.

Mandatory Milk Testing

Each month 2 sample vials are taken down to the University of Guelph Laboratory Services for testing. These tests include pathogen testing and bacteria testing as well as Somatic cell Count. Samples are to be taken from the bulk tank prior to bottling the milk. Additional samples shall also be kept as usual in the freezer in case further testing is required. The milk test results will be returned by email to ourfarmcoop@gmail.com and reviewed immediately upon receipt. Please see Cow Share Canada Guidelines for testing. In the event that

there are positive results for pathogens, retesting will happen immediately. If the lab identifies and confirms the presence of any human pathogen then all members of Our Farm, Our Food Co-op will be immediately notified and advised to dispose of all milk products until further notice.

Bottle Washing

The milk bottles are washed, sterilized and cooles at least 24hrs prior to bottling the milk. The bottles are then brought into the walk-in cooler to stay cool as part of the sterilizing process. On Wednesday bottles are washed for Thursday's bottling. On Saturday bottles are washed for the Monday bottling. It takes 1 minute for each wash cycle to complete.

To start add 1 scoop of Shaklee powdered soap and every 2 washes add 1/4 scoop.

1. Check the water heater located in the milk house to make sure hot water is available.
2. Check dishwasher to make sure it is clean and free from any debris.
3. Close the drainage inside the dishwasher.
4. Add 5 scoop of Shaklee powdered soap.
5. Gently close the dishwasher.
6. Switch ON dishwasher.

7. When the temperature gauge reaches the red line, this indicates the water temperature is now hot enough and so bottle washing may now start.
8. Lay 2 of the metal racks on the floor. 1 in the middle beside the sink counter (table) and the other beside the big plastic shelf.
9. Bring and stack crates with empty bottles on the rack beside sink counter.
10. Set down 1 flat dish crate on the sink counter for bottles, 1 divided dish crate inside the sink on the left side for lids and stand 1 flat crate on the dish washer counter for flipping washed bottles.
11. Take off lids and load bottles mouth down on the flat dish crate and deposit lids inside the divided crate.
12. Check bottles and lids for cleanliness while loading crates.
13. Stack empty wood crates on the metal rack beside the shelf.
14. When most of the dish crates are loaded or once 1 batch of milk crates are emptied, start washing.
15. After every 2 trays that are washed add 1/4 scoop of soap.
16. Wait for the green signal to go off before opening dishwasher and sending the next load.
17. With clean hands turn bottles over as soon as they come out of the washer to allow them to dry.
18. Once bottles are dried cover all with the appropriate lid while checking for cleanliness.
19. Place cleaned bottles into designated wood crates.
20. After all bottles are capped and crates filled with empty clean bottles, take all to the walk-in cooler and stack in rows.
21. Repeat these steps until enough are washed.

22. Clean up and put away. Do not spray water on the dish washer.

Milk Filter

Milk filters are supplied by Norwell Dairy System. Contact # 519.638.3535. Norwell usually drop off the filters directly in the cheese kitchen in the hall. A new filter needs to be put in for each milking. After the pre-sanitation of the pipeline is completed the new filter is put in place. To remove the filter wait for cows to finish milking and that all the milk have been sent to the bulk tank. Once filter is removed rinse it under hot water and hang it over the sink in the dish washer room to dry. Next day throw it in the garbage. After removing the filter; rinse down the milk pipe line including the floor and wherever there's any milk drops.

Friday Pick up

The local farm members pick up every Friday from 3pm-6pm. Every Friday the pick up room is prepared, cleaned and ready for the members.

1. Wipe and clean the stainless cooler.
2. Bring up all dairy starting with bottled milk.
3. Stack 2L crates on the left side of the cooler. Capacity is 11 cases.
4. Stack all 1L milk bottles on the right side on the shelf.

5. Stack all cultured milk bottles, cream, sour cream, quark, soft cheese, fresh meat, butter, etc on the right side on the shelf.
6. Keep all empty boxes for returns on the wood platform beside the cooler.
7. Besure the sign 'Members Only' is visible.
8. Take away returns back to the cheese kitchen as they come.
9. Check cooler periodically to refill.
10. By Saturday all leftover dairy and empty bottles should be back to the cheese kitchen.

Tuesday

Every Tuesday milk, milk products, bake goods, fruits, vegetables, and many other items are carried by the white cube van to the city of Toronto. Every Tuesday @ 9am the truck gets loaded. The truck leaves at 11:45. On Wednesday morning the truck gets unloaded, cleaned, refueled and ready for the next Tuesday.

Loading cheese kitchen

1. Cultured milk
2. 1L milk
3. 2L milk
4. Products in cardboard boxes
5. Cheese
6. empty milk crates/boxes

Unloading cheese kitchen

1. Bring out all empty bottles/boxes and stack in the hall neatly.
2. Take out all empty plastic crates and store in the bottle room.
3. Take all loose milk bottles and find their place in the cheese kitchen or store in the bottle room.
4. Take portable coolers. Wash, clean and allow to dry on the veranda. Store in the bottle room.
5. Sweep and wash surfaces and refuel at the shell station.

Milk Line Washer System

The washer system is located in the old milk house. The milk line must be washed after each milking. Each wash is sent through with one pump of Eco-Line chlorine soap. The Rinse cycle is run with 8 pumps of acetic acid. Prior to milking the milk line is sanitized with 2 pumps of Hydrogen Peroxide.

Maintenance/Equipment cleaning

Milk Tank: wash and sanitize the bulk tank after each time the tank is emptied. Hand wash the milk tank by filling it with liquid soap and hot water. Wash it with the long blue brush and sanitize with a bucket of *H2O2* using the brush to agitate.

Cheese Vat. after each use wash with soap and brush. Rinse well with hot water. Hook the “shovel” shaped cheese stirrer on the edge of the vat and close down the lid, leaving the vat slightly open for air circulation.

Butter Barrel/Cutter. wash and sanitize barrel and cutter after each use.

1. Shut the valve at the bottom of the barrel.
2. Squeeze in 3 squirts of soap.
3. Fill up with hot water. 2-3 pails.
4. Tightly close the door.
5. Turn the speed to the left for fast motion.
6. Plug in the unit.
7. Gently pull down the wide handle, turning ON the motor.
8. Let the tank spin for 7-10mins.
9. Pull up the handle to disengage.
10. Open the drain.
11. Take off the door and let water drain.
12. Rinse well with hot water.
13. Close drain.
14. Fill with cold water. 2-3 pails.
15. Add 1 cup *h2O2*.
16. Close and lock door.
17. Spin again for 7-10mins.
18. Drain. Do not need to rinse after sanitizing unless making butter immediately.

19. Rest the door on the tank, leaving it $\frac{1}{4}$ open for air circulation.

20. Unplug.

Separator. wash and clean after each use.

1. Unplug and detach all parts.
2. Rinse well.
3. Load all parts into dish crates and send through dish washer.
4. Rinse the unit and bring it back to its place.
5. After all the parts are washed place big bowl on the plastic shelf and gently put all the parts inside it except the discs which go on the shelf as well beside the bowl.
6. Clean up and put away.

Dish washer.

- Rinse well after each use.
- Once a month or when calcium build up is noticed soak the unit in acetic Acid (vinegar) by filling it with water then add 1 cup of acetic acid and close and let it run 1 cycle, open the door, turn OFF, and close door.
- The next day drain water and rinse very well.
- Do not spray water on dish washer.
- Do not slam door.
- Handle gently

Proofers: clean the proofer and parts used for cultured milk after each use. Keep the little proofer clean as well and do a detailed clean at least once every 3 months.

Tables and Sinks:

- Wash and clean after each use. Dry with squeegee.
- If any serious built up is noticed soak tables/sinks in acid over night.

Buckets: Always keep the pails clean on the plastic shelf at the bottom. To wash pails: fill 1 sink with soap and hot water. Fill the second side with warm water and *H2O2*. Start with the cleanest pail and end with dirtiest.

Cheese forms: Rinse very well scrubbing away and bits of cheese. Wash through the dish washer. Put away on shelf over the cheese table. Soak the forms for a day or two in acid if too may build ups are noticed.

Milk pipe line:

- Once a month fill the cleaning bucket ½ full with hot water. Add 3 oz peroxide to the water. Take the long tank brush and acid wash the entire line on the outside. Rinse well.
- Once a month detach 1 @ a time all the pipes. Wash the insides including the seals/gaskets and sanitize with *h2O2*.
- Change or replace gaskets if dirty beyond repair.
- Reattach all pipes.

- Rinse well.

Plastic curtain.

- Wash and clean once a week.
- Fill the plastic sink with soap and hot water.
- Use the table brush, wash and clean the curtain.
- Rinse very well on both sides.

Big clean-up: once every 3 months wash down the entire cheese kitchen 1 room at a time including walk-in cooler/freezer. Strip down all tools and equipments. Wash all ceilings and walls. Rinse very well. For the hall way wipe out all ceilings and walls, doors and windows including the floor. And each day sweep the hall and the outside in front of the milk house.

Water pressure pump.

- Use only when pressure is needed.
- Turn OFF pump when not using.
- Wrap hose and put away.

Lights: be conservative with the lights. Turn off lights when not in use.

ACCESSORIES/Location

The fan- hall way over the circuit breaker.

Milk jackets (white)- hall

Cheese towels (for wiping bottles) - hallway shelf

Aprons, boots & crocs- hall

Milk crates- hall

Garbage bins- wash room, & hall

Hair nets- hall beside glass wall.

Circuit braker- hall on south wall.

Cheese forms- cheese room. Bottle room

Cleaning brushes- hallway shelves.

*Acid (vinegar) -*milk house

Pipeline detergent- milk house

Soaps – milk house or hallway

Brooms- hall. Outside.

H202- step of hallway.

Paper towels- hallway

Dividers for milk crates- inside red crate in bottle room

Salt for soft cheese- hallway

Plastic tubs- washer room. Bottle room.

Bottles/lids- bottle room

*Empty boxes-*bottle room

Big plastic crates- bottle room

Little blue crates- bottle room

Deep freezer- bottle room

Cheese cultures- freezer/bottle room

Rennet- walk-in cooler

Parts for butter/cutter-cheese room/upstairs

Separators spare parts- upstairs

New pail- bottle room

Coolers- bottle room

Cleaning Log

Date	Cleaned	Changed/new	Comments
------	---------	-------------	----------

Production Schedule may vary

SAT	SUN	MON	TUE	WED	THU	FRI
<i>am</i>	<i>am</i>	<i>am</i>	<i>am</i>	<i>am</i>	<i>am</i>	<i>am</i>
soft cheese	cool	cool/ bottle	fresh cream/ ch.quark	cultured milk	cool cheese	fresh cream/ ch.quark
<i>pm</i>	<i>pm</i>	<i>pm</i>	<i>pm</i>	<i>pm</i>	<i>pm</i>	<i>pm</i>
cool	cool	fresh cream	sr.cream/ quark	cool	cool/ bottle	sour cream/ pigs

evening

butter

This is Exhibit "G" referred to in the Affidavit of

Elisa Vander Hout sworn March 20, 2018



Commissioner for Taking Affidavits (or as may be)

Mary Frances Heffernan
a Commissioner, etc.,
Province of Ontario,
for Fallis Fallis & McMillan
Barristers and Solicitors.
Expires September 11, 2018.

3:38 PM

01/31/18

Accrual Basis

Agri-cultural Renewal Co-operative Inc.
Profit & Loss
January through December 2017

	<u>Jan - Dec 17</u>
Ordinary Income/Expense	
Income	
4000 Revenue	
4009 Rental Income	25,481.76
Total 4000 Revenue	<u>25,481.76</u>
4020 Farm Gate Sales	174,381.94
4025 Other Farm Sales	6,098.63
4035 Livestock Sales	500.00
4040 herd expense recovery	175,807.43
4045 Other Income	19,406.76
4050 Legal Donations Receipts	21,162.51
Total Income	<u>422,839.03</u>
Cost of Goods Sold	
5000 Direct Costs (COGS)	
5010 Market Purchases	52,881.37
5015 Bakery Purchases	17,949.35
5020 Bakery Propane	1,130.49
5025 Bakery Processing	1,085.81
5040 Meat Processing	14,433.65
5041 Packaging	993.64
5045 Veterinary Expense	3,228.14
5046 Feed Expense	11,439.62
5047 Cattle Trucking/Anim.Care	2,474.68
5048 Straw/Hay	6,519.48
5055 Dairy Supplies	520.77
5060 Testing	1,659.90
5065 Crop Expenses	3,455.70
5070 Equip. Repairs/Maintenance	16,241.51
5075 Equipment Fuel	168.71
5080 Livestock Purchase Meat	1,815.75
5081 Book Purchases	126.00
Total 5000 Direct Costs (COGS)	<u>136,124.57</u>
Total COGS	<u>136,124.57</u>
Gross Profit	286,714.46
Expense	
5049 feed and grain delivery	756.00
6100 Premises Expense	
6105 Rent	8,900.00
6110 Hydro	14,443.86
6116 Household Supplies	402.31
6119 Waste Disposal	1,480.74
6120 Municipal Services	507.00
6125 Municipal Taxes	4,426.74
6128 Fencing	1,493.46
6129 Building Materials Mtc	17,737.24
6130 Repairs and Maintenance	7,563.17
6131 Equipment Rental	2,454.83
6132 Grounds/Landscaping	5,187.87
6134 Water Treatment System	3,460.98
6135 Insurance	3,377.91
6136 Small Tools	2,828.35
6137 Working Animals	599.23
6100 Premises Expense - Other	517.73
Total 6100 Premises Expense	<u>75,381.42</u>
6300 Vehicle Expense	
6304 Sprinter Lease	7,181.76
6306 PARKING	15.92
6310 Gasoline, Fuel and Oil	14,902.14

3:38 PM

01/31/18

Accrual Basis

Agri-cultural Renewal Co-operative Inc.
Profit & Loss
January through December 2017

	<u>Jan - Dec 17</u>
6315 Vehicle Maintenance	9,303.28
6320 Vehicle Insurance	1,048.35
6321 Travel Tools and Fees	29.72
6325 Licences	650.00
Total 6300 Vehicle Expense	33,131.17
6500 Administration Expense	
6501 Furniture and Supplies	72.00
6505 Accounting Fees	2,300.00
6510 Legal Fees	773.25
6511 Legal Defense Fees	8,792.70
6512 Legal Defence Expenses	8,904.56
6515 Advertising	79.00
6520 Bank Charges	425.65
6525 Insurance	14,294.49
6526 Life Insurance	5,687.53
6530 Office Supplies	4,639.35
6535 Dues & Fees	53,331.41
6540 Telephone Expense	
Internet	659.88
6540 Telephone Expense - Other	5,819.41
Total 6540 Telephone Expense	6,479.29
6546 Meals and Entertainment	211.22
6547 Supplies	379.28
6550 Wages & Benefits	46,173.23
6552 Payroll Expenses	624.00
6553 Contract Labour	4,462.00
6554 Casual Labour	4,459.00
6555 Donations	969.00
6556 personal	42.13
6558 Bookkeeping	325.00
Total 6500 Administration Expense	163,424.09
9200 Interest Expense	
9205 Short Term Debt Interest	268.69
9210 Long Term Debt Interest	12,282.29
9200 Interest Expense - Other	126.97
Total 9200 Interest Expense	12,677.95
NSF cheques	0.00
Total Expense	285,370.63
Net Ordinary Income	1,343.83
Other Income/Expense	
Other Expense	
Ask My Accountant	-7.80
Total Other Expense	-7.80
Net Other Income	7.80
Net Income	1,351.63

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

James Lansing Affleck, John Baak, Eric Bryant,
Carol Celenza, Sanda Draga, Werner Fabian, Karen Fliess,
Merle Gould, Maria Helms, Allyson McMullen, Liliana Miculescu,
Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg,
Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF PAUL NOBLE

Sworn April 9, 2018

I, **PAUL NOBLE**, of the Township of Wellington North, Province of Ontario, MAKE
OATH AND SAY AS FOLLOWS:

1. This affidavit is based upon my own personal knowledge and experience of the matters and facts herein.
2. My family and I operate a farm under the name Elbon Shady Haven (**Farm**) at 8700 Concession 9, R.R. #1 Moorefield, Ontario, Canada. Collectively, we have been tending the Farm for the past 22 years. The primary operation of the Farm in the past 8 years has, until

recently, been to provide raw or unpasteurized milk and/or unpasteurized milk products to members of the local Farm community and their families.

3. For eight years, our Farm supplied members of the local Farm community with raw milk because I hold, as a matter of conscience, that I owe a duty, and should have the right, to produce and provide raw milk to members who need to have it for the health benefits that they believe, and that both experience and studies have demonstrated, raw milk provides.

4. On January 5, 2018, Sutherland J. issued orders in *Gavin Downing v. Agri-Cultural Renewal Co-operative Inc. O/A Glencolton Farms ("ARC") et al. (Downing)* that prevent me and my family from legally providing raw milk to anyone who does not live on the Farm or who is not a member of our family. As a result, unless individuals were to live on the Farm or become a part of my family, they are no longer able to access raw milk without unreasonable and undue hardship, the threat of prosecution, and the risk of contamination.

5. I have seen many positive changes in the people that I have served raw milk to in the past: sick children have become bright and vibrant, children and adults have eliminated symptoms of allergies such as excess phlegm and reduced symptoms of gut (digestive) problems, and autistic children are more able to cope with their environments.

6. I believe that due to not being able to obtain raw milk in Ontario, many people are deprived of its health benefits, which are fundamental to their lives and security of person.

7. I have had access to raw milk all my life and feel that I need to help others who are less fortunate. It violates my conscientious belief to leave these consumers who depend on this milk

for their health to suffer the pains of their various illnesses or deny them of the life-giving food they believe they require for optimum health.

8. For the reasons stated above, I, another raw milk producer and several raw milk consumers have made an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867* (**Charter Application**).

9. I acknowledge that some undifferentiated studies state that raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries a risk of negative health consequences, which can be severe or even fatal.

10. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.

11. I do not accept the conclusions in paragraphs 9 and 10 above as complete. I am an applicant in the Charter Application because I believe that, and as experience and differentiated raw milk studies have demonstrated, raw milk provides health benefits, and as such, it is important that I provide it to those that wish for their family to consume it for their own reasons of conscientious or religious belief and security of person.

12. Specifically, I am aware of differentiated raw milk studies showing that consumption of raw milk has significant health benefits. For example, raw milk may exert a considerable protective effect against the development of childhood asthma and allergy and other diseases. These studies are more particularly described in the affidavits of Dr. Nadine Ijaz and Dr. Ton Baars.

13. The studies described in the affidavit of Dr. Nadine Ijaz further show that the risk of severe health consequences from pathogens associated with raw milk consumption, while present, is significantly lower than the risk from other foods commonly implicated in foodborne outbreaks such as oysters, leafy green vegetables, ground beef hamburger and home-cooked chicken. These studies also show that over the last forty years, there have been no confirmed deaths associated with raw milk consumption in industrialized countries.

14. As described in the affidavit of Dr. Ton Baars, although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I and the other Applicants seek.

15. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that would allow Glencolton Farms and Elbon Shady Haven to process, sell, and distribute raw milk at the farm gate in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our conscience and afford us security of person.

Biodynamic farming and safety protocols

16. For over nine years, we have been sustainably breeding cows, specially bred for the purpose of providing the best possible quality of raw milk to consumers. This has required a “closed herd” farming system. New additions to the herd are birthed on the farm; there are third and fourth generation cows in the herds. No animals from other farms may be introduced into the herd and no co-mingling with animals from other farms is allowed, to preserve the herd’s quality and integrity, as well as to reduce or eliminate the risk of contamination through cattle disease.

17. My family and I are professional agronomists, and the Farm is bio-dynamic. Biodynamic farming is a holistic agricultural system that includes providing health-giving foods while healing the earth through responsible, diversified and balanced farming practices. Biodynamic agriculture focuses on enhancing the life processes of nature. The Farm is considered a balanced farm-organism created by harmonizing soil, vegetation, animals and workers. The cows are therefore a part of a diverse holistic and sustainable farming system working with nature.

18. The Farm follows safety protocols that are virtually identical to that of Glencolton Farms, as more particularly described in paragraphs 21-27 of the Affidavit of Elisa Vander Hout, sworn March 20, 2018.

19. Our Farm has an eight-year track record for safe raw milk. To my knowledge, no one who has consumed raw milk produced on the Farm has ever become sick as a result of consuming that raw milk. On the contrary, I have only been made aware of positive health consequences of drinking raw milk from the cows on the Farm.

20. I make this affidavit on behalf of myself in support of my application and for no other or improper purpose.

SWORN BEFORE ME at Township of Wellington North, in the Province of Ontario on April 9, 2018.



Catherine Conrad

DEPUTY CLERK
Commissioner for Taking Affidavits
OF THE CORPORATION OF THE
(or as may be)
TOWNSHIP OF WELLINGTON NORTH
COMMISSIONER FOR TAKING AFFIDAVITS



PAUL NOBLE

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

ONTARIO
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PROCEEDING COMMENCED AT
TORONTO

AFFIDAVIT

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Fax: 416-865-6636

Counsel for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

**AFFIDAVIT OF PETER D. KENNEDY
Sworn February 9 , 2018**

I, Peter D. Kennedy, of the City of Sarasota, in the State of Florida, USA, make oath and say as follows:

1. I am an attorney with the Weston A. Price Foundation (WAPF), a non-profit organization in the U.S. that has members in all fifty states and in other countries, including Canada. WAPF is dedicated to restoring nutrient-dense foods to the American diet through education, research and activism and is the leading advocacy organization for raw milk in North America. I consult with WAPF members on policy and legal matters regarding access to raw milk and other foods.
2. From 2007 to 2017, I was a founding board member and worked as an attorney with the Farm-to-Consumer Legal Defense Fund (FTCLDF), a non-profit organization in the U.S. that has members in all fifty states; I also served as president from November 2008 to March 2016. FTCLDF works to protect the rights of sustainable family farms to produce and consumers to obtain raw milk and other foods. I have a personal knowledge of all

matters herein deposed, except where otherwise stated, to be based upon information and belief.

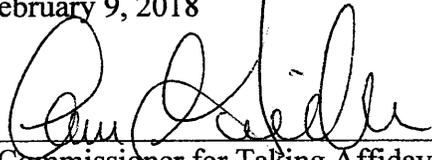
3. I have been licensed to practice law in the State of Florida since 1985 and currently reside at 3830 Jaffa Drive, Sarasota, Florida; I was born in September 1958. I have worked on legal issues governing raw milk distribution for the past fifteen years, including from 2007 to 2017 with FTCLDF, providing legal services for its members, and currently with WAPF. I have consulted on state and federal raw milk legislation and have drafted state raw milk legislation as well.
4. I have reviewed the laws of the various states pertaining to the consumption and distribution of raw milk and have been following changes in the laws since 2004 after compiling a survey of such laws that was subsequently published by WAPF on the internet at www.realmilk.com.
5. There is a federal ban in the U.S. prohibiting the transport of raw milk and raw milk products (other than raw cheese aged 60 days) in interstate commerce for human consumption. The federal government does not prohibit raw milk sales in intrastate commerce; whether raw milk distribution is legal within state boundaries is left up to the individual states.
6. At this time, forty-three (43) states have legalized the sale and/or distribution of raw milk through statute, regulation or policy. A majority of the states have legalized the sale of raw milk for human consumption; some have legalized it only for pet consumption while others have recognized the legality of herd share agreements which are contractual arrangements that enable a person who wants raw milk to purchase an ownership interest in a dairy animal (or herd of dairy animals) from a farmer and then, typically, the person contracts with that farmer to board, care for and milk the animal(s) in which the person has the ownership interest.
7. The possession and consumption of raw milk is legal in all fifty (50) states, meaning that in seven (7) states raw milk consumers do not have legal access to obtain the product. In states where raw pet milk sales are legal, it is purchased for both human consumption and pet consumption; in many of these states, purchasing raw pet milk is the only way consumers can obtain the product. Currently, there are twenty-seven (27) states that have legalized the sale of raw milk for human consumption; nine (9) have legalized the distribution of raw milk through herd share agreements; six (6) have legalized the sale of raw milk for pet consumption; and one (1) has legalized the distribution of raw milk through the sale of securities.
8. Since 1994, the year provincial and local governments in Canada began taking enforcement action against Michael Schmidt and Glencolton Farm, seventeen (17) states in the U.S. have either legalized the sale and/or distribution of raw milk or increased access to it through changes in statute, regulation or policy. These are as follows:
9. Arkansas - In 2013 a new law went into effect that allowed the on-farm sale of up to five hundred (500) gallons of raw cow milk and/or raw goat milk per month. Prior to that time, only the sale of goat milk (on the farm) was legal.

10. Colorado - In 2005 herd share agreements became legal by statute; any sale or distribution of raw milk for human consumption was illegal until then. Since that time, over 200 dairies have started up herd share programs.
11. Connecticut - A law legalizing herd share agreements went into effect in 2015. Before then, only licensed raw milk dairies could sell or distribute raw milk; small dairies that could not afford the cost of compliance with licensing requirements can now legally distribute raw milk.
12. Idaho - A statute and regulations went into effect in 2010 and 2011, respectively, that allowed the unlicensed sale of raw milk by dairies with up to three (3) cows or up to seven (7) goats. Prior to this change in the law, only dairies meeting Grade A licensing requirements could sell raw milk. The number of dairies selling raw milk went from two to well over a hundred by 2013.
13. Maryland - The state changed its policy in 2015 to allow dairy producers to sell raw pet milk. Maryland law provides that producers who register with the Office of the State Chemist to sell raw pet milk and pay a registration fee can legally sell the product. Based upon information and belief, the state had not accepted any applications for registration to sell raw pet milk from Maryland producers before 2015.
14. Michigan - In 2013 the Michigan Department of Agriculture and Rural Development (MDARD) issued a written policy that, in effect, legalized the distribution of raw milk through herd share agreements. Prior to that time, any sale or distribution of raw milk was illegal.
15. Montana – In July 2017 the state Department of Livestock and the state Office of the Commissioner of Securities and Insurance reached an understanding in adopting a policy under which a farmer could sell securities in dairy animals under the Montana securities registration exemption laws. Purchasers of the securities are legally entitled to obtain raw milk through this transaction. Under the policy, a securities offering cannot be for more than four (4) cows. Prior to the adoption of this policy, the sale and distribution of raw milk was illegal.
16. New Hampshire - In 2012 the state passed a law allowing the unregulated sale of up to twenty (20) gallons per day of raw milk by producers. Prior to that time, only licensed dairies could sell raw milk; smaller dairies that could not afford the cost of compliance with licensing requirements can now legally sell raw milk.
17. North Carolina - In 2009 a law went into effect enabling dairy producers to sell raw pet milk without a permit. The new law significantly increased the number of raw milk producers. Before the law went into effect, producers needed to obtain a permit from the state department of agriculture to sell raw pet milk; the department had issued few permits.
18. North Dakota - In 2013 a bill passed into law that legalized the distribution of raw milk through herd share agreements. Prior to that time, any sale or distribution of raw milk for human consumption was illegal.

19. Ohio - In 1997 the state passed a law prohibiting the sale of raw milk for human consumption with the exception of one grandfathered dairy. In 2006 a judicial court ruled that the distribution of raw milk through a herd share agreement did not violate the state prohibition against raw milk sales. The following year, the Ohio Department of Agriculture (ODA) adopted a policy allowing the distribution of raw milk through herd share agreements. Today, there are dozens of herd share operations in the state.
20. Tennessee - In 2009 a law went into effect legalizing the distribution of raw milk through herd shares. Prior to then, any sale or distribution of raw milk for human distribution was illegal. It has been estimated that over 200 dairies have started up herd share programs.
21. Utah - In 2015 a bill passed into law allowing the distribution of raw milk through herd share programs by dairies with up to two (2) cows or up to ten (10) goats. Prior to then, only the licensed on-farm sale of raw milk was legal except for a limited exception for retail store sales where the licensed dairy had a majority ownership in the store. The Utah Department of Agriculture and Food (UDAF) issued few licenses; so, the 2015 law significantly increased the number of raw milk producers in the state.
22. Vermont - The state passed legislation in 2009 allowing raw milk to be sold through delivery to the customer's residence as well as on the farm; prior to 2009, it could only be sold on the farm. The legislation created a two-tier system in which producers meeting additional requirements to sell through delivery could sell more milk per week than those selling only on the farm. In 2014 a subsequent bill passing into law allowed delivery at farmers markets.
23. Virginia – Based upon information and belief, the Virginia Department of Agriculture and Consumer Services (VDACS) adopted a policy in either the late 90s or early 2000s in which the department would not regulate herd share agreements but, if requested, would review a farm's herd share agreement to determine whether it was a valid agreement or whether it involved the illegal sale of raw milk. Today, there are likely well over a hundred herd share programs operating in the state. The sale of raw milk continues to be illegal in the state.
24. West Virginia - In 2016 a bill legalizing herd share agreements passed into law; prior to that time, any sale or distribution of raw milk was illegal in the state.
25. Wyoming - The state department of health issued a regulation in 2012 legalizing herd share agreements and then in 2015 a bill passed into law legalizing the unregulated direct sale of raw milk from producer to consumer on the farm, through delivery, at farmers markets, and at other venues. Prior to 2012, any sale or distribution of raw milk was illegal in the state.
26. Thanks, in part, to the favorable legislation that has passed and the favorable policies that state agencies have adopted governing raw milk sales and distribution, the demand for raw milk has increased tremendously in the U.S. since 1994, enabling many farmers to earn a better living and keeping more of the food dollar circulating in the local economy.

I declare under penalty of perjury under the laws of the State of Florida that the foregoing is true and correct.

SWORN BEFORE ME at the City of Sarasota, in the State of Florida on February 9, 2018



Commissioner for Taking Affidavits
(or as may be)



PETER D. KENNEDY



Anna Grinchuk
State of Florida
My Commission Expires 01/19/2019
Commission No. FF 190760

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
TORONTO

AFFIDAVIT

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Counsel for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF MARGARET E. COLEMAN

Sworn April 10, 2018

1. I, Margaret E. Coleman, M.Sc, M.Sc,of the Town of Groton, in Tomkins County, New York State, United States of America,risk assessor and senior scientist specializing in microbial risk assessments for air-borne, food-borne, and water-borne diseases,make oath and say as follows:
2. I have a personal knowledge of and expertise in all matters I depose to, except where I refer to studies whose findings and conclusions I believe to be sound and true. I consider all studies I rely upon in this affidavit as authoritative and believe that my scientific colleagues regard them as authoritative as well.In my affidavit, I also note certain studies

that do not meet acceptable standards using validated scientific and statistical methods. I do not consider such studies to be authoritative.

3. As an expert, I have been asked to submit an affidavit that describes and comments upon the latest research insights relevant to the hazards and health benefits of fresh unprocessed cow's milk (**raw milk**). I summarize the body of scientific evidence relevant to raw milk. This evidence is intended to educate decision makers and the public about benefits and risks of raw milks.
4. I have read Rule 4.1.01(1) of the Ontario *Rules of Civil Procedure* and consider it my duty and undertake to:
 - (a) provide opinion evidence that is fair, objective and non-partisan;
 - (b) provide opinion evidence that is related only to matters that are within my area of expertise; and
 - (c) provide such additional assistance as the Court may reasonably require to determine the matters in issue.
5. Now seen by me and marked as "Exhibits" **A** and **B** to my affidavit are true copies of my curriculum vitae and my publications in the field of microbial risk assessments.
6. I have also prepared a set of slides setting out graphically and summarily the points I make in my affidavit. These are marked as Exhibit **C** to my affidavit.

Introduction

7. Science writer Ed Yong describes milk as a 200 million-year-old mammalian invention (**Yong, 2017**), perhaps creation's first superfood, understood only in this current decade

to contain ‘multitudes’ of microbes that benefit health. Rodney Dietert, an immunotoxicologist at Cornell University, similarly describes these microbial multitudes which function with us as partners, as making up “superorganisms” (Dietert, 2016). However, fundamental misunderstandings about human biology and ecological systems in the 20th century saw microbes as ‘germs’ causing illness and death rather than as completing the healthy ‘human superorganism’, as they are seen as today (Dietert, 2016; Dietert, 2017). Each individual is a consortium of human and microbial communities that cooperatively and synergistically regulate health and disease (Dietert, 2016). Decades ago, public health professionals and consumers thought of microbes as germs that would kill people and their babies (Dietert, 2018). Recent scientific studies describe a new medical landscape, one where natural, beneficial microbes dominate both human and cow milk and protect against illness (Dietert, 2018). Now seen by me and marked as Exhibits “D” to “G” to my affidavit are true copies of E. Yong, *I contain multitudes: The microbes within us and a grander view of life* (2016) (Random House, HarperCollins Publishers, New York, at pp.91-99; R.R. Dietert, *The Human Superorganism: How the Microbiome is Revolutionizing the Pursuit of a Health Life* (2016), Dutton, NY, NY at pp. 1-6, 21-29; R.R. Dietert, *A Focus on Microbiome Completeness and Optimized Colonization Resistance in Neonatology* (2018), *NeoReviews* 19(2):e78-88; R.R. Dietert, *Safety and risk assessment for the human superorganism* (2017), *Human and Ecological Risk Assessment* 23(8):1819-1829.

Human Breast Milk

8. Most people know that a mother’s breast milk benefits babies, but they may not know how. Scientific advances in the last ten years demonstrate that breast tissue and its milk

contain a large number of natural, beneficial microbes known as the microbiota, up to 700 bacterial species in milk of one human volunteer (**Hunt et al., 2011; Cabrera-Rubio et al., 2012**). Exposure to mothers' milk microbiota benefits the growth of babies and supports the proper development of healthy gut and immune systems (**Dietert, 2018**). Scientific studies also demonstrate that pasteurizing mothers' milk kills the microbiota, and its benefits are lost, as documented in slide 15 entitled *Risks AND Benefits for Vulnerable Population*). Now shown to me and marked Exhibits “H” and “I” are true copies of K.M. Hunt et al., *Characterization of the diversity and temporal stability of bacterial communities in human milk* (2011), PLoS ONE 6(6): e21313 and R.M. Cabrera-Rubio et al., *The human milk microbiome changes over lactation and is shaped by maternal weight and mode of delivery* (2012), *The American Journal of Clinical Nutrition* 96(3): 544-551.

9. The World Health Organization (**2003**) recommends exclusive breastfeeding for the first four to six months of a baby's life. Yet when mothers are unable to breast feed preterm or sick infants, human donor milk banks offer only pasteurized breast milk from donors or formula because of the assumptions that pathogens may be present and will cause illness (**American Academy of Pediatrics, 2017**). Both pasteurized breast milk and formula lack living microbiota. Now seen by me and marked as Exhibits “J” and “K” to my affidavit are World Health Organization, UNICEF, *Global strategy for infant and young child feeding* (World Health Organization; Geneva, 2003) at p 6 and American Academy of Pediatrics (AAP), Committee on Nutrition, AAP Section on Breastfeeding, AAP Committee on Fetus and Newborn, (2017), *Donor Human Milk for the High-Risk Infant:*

Preparation, Safety, and Usage Options in the United States, Pediatrics 139(1):e20163440.

10. Significantly, the presence of putative pathogens in breast milk and infant stool samples did not cause illness in infants, likely due to the protective effects of the healthy milk microbiota that is lost with pasteurization (**Schanler et al., 2011; Denno et al., 2012**). In fact, the latter paper reported that many putative pathogens detected in stools of infants and children are of ‘undetermined causal significance’, meaning that it was unclear whether these microbes cause any illness in healthy offspring with a protective microbiota. Some pathogens considered in this study were present in the same proportions in both cases of illness and asymptomatic controls. Now seen by me and marked as Exhibits “L” and “M” to my affidavit are true copies of R.J. Schanler et al., *Breastmilk cultures and infection in extremely premature infants* (2011), Journal of Perinatology 31(5):335-8; and, D.M. Denno et al., *Diarrhea Etiology in a Pediatric Emergency Department: A Case Control Study*, *Clinical Infectious Disease* (2012), An Official Publication of the Infectious Diseases Society of America, 2012;55(7):897-904. doi:10.1093/cid/cis553.
11. The presence of the pathogen *Clostridium difficile* that can cause serious illnesses in hospitalized and institutionalized adults was found not to cause illness in an infant, though present for nearly a year. Up to 50% of infants tested were also asymptomatic carriers, testing positive for presence of the pathogen and the toxin in stool, but did not develop symptomatic illness (**Elahi et al., 2013; Gervassi and Horton, 2014; Davis et al., 2016**). Risk assessors and scientists (**Denno et al., 2012; Coleman et al., 2018**) understand that the dose matters, for probiotics causing health effects as well as for

pathogens causing diseases documented in Exhibit “C”, slide 17 entitled *Complex Relationships with Microbes: Presence Alone Insufficient to Predict Risk*. Now viewed by me and marked as Exhibits “N” to “P” of my affidavit are true copies of S. Elahi et al., *Immunosuppressive CD71+ erythroid cells compromise neonatal host defence against infection* (2013), *Nature* 504(7478):158-162. doi:10.1038/nature12675; A.L. Gervassi & H. Horton, *Is Infant Immunity Actively Suppressed or Immature?* (2014), *Virology: Research and Treatment* 1-9. doi:10.4137/VRT.S12248; and M. Y. Davis et al., *Rapid change of fecal microbiome and disappearance of Clostridium difficile in a colonized infant after transition from breast milk to cow milk* (2016), *Microbiome* 4:53. doi:10.1186/s40168-016-0198-6.

12. These interesting results are evidence that the natural microbiome in healthy infants needs to interact with the developing immune system to attain proper balance and innate protection against diseases documented in Exhibit “C”, see slides 11-12 entitled *Immunology in 21st Century* and *Colonization Resistance*. The result of this interaction is known as colonization resistance (**Dietert, 2017, 2018**). Hence, infants require exposure to the natural milk microbiota and low doses of putative pathogens to enable healthy gut and immune systems to develop (**Elahi et al., 2013; Dietert, 2013, 2017a,b, 2018; Gervassi & Horton, 2014; Davis et al., 2016**). High doses of many of these putative pathogens could cause illness in infants, but the milk microbiota is dominated by beneficial microbes that outcompete normal doses of pathogens and provide colonization resistance.
13. Data from human clinical trials conducted around the world with defined and well-controlled treatments (the strongest evidence possible for risk assessors) is available for

comparisons of raw and pasteurized breast milks and formula (**Narayanan et al., 1984; Schanler et al., 2005; Montjoux-Regis et al., 2011; Strand et al., 2012; Cossey et al., 2013; Squires, 2017**). The evidence is overwhelming. Infants who are fed raw breast milks demonstrate reduced risk of illness and enhanced health benefits. Now seen by me and marked as Exhibits “Q” to “V” are true copies of I. Narayanan et al., *Randomised controlled trial of effect of raw and holder pasteurised human milk and of formula supplements on incidence of neonatal infection* (1984), *Lancet* 324(8412):1111-13; R.J. Schanler et al., *Randomized trial of donor human milk versus preterm formula as substitutes for mothers’ own milk in the feeding of extremely premature infants* (2005), *Pediatrics* 116(2):400-5; N. Montjoux-Régis et al., *Improved growth of preterm infants receiving mother’s own raw milk compared with pasteurized donor milk* (2011), *Acta Paediatrica*, 100: 1548–54. doi:10.1111/j.1651-2227.2011.02389.x.; T. A. Strand et al., *Risk Factors for Extended Duration of Acute Diarrhea in Young Children* (2012), *PLoS ONE* 7(5): e36436. doi:10.1371/journal.pone.0036436; V. Cossey et al., *Pasteurization of mother’s own milk for preterm infants does not reduce the incidence of late-onset sepsis* (2013), *Neonatology* 103(3):170-6; and L.S. Squires, *Modeling adverse outcomes in very low birth weight infants based on an infant diet of mother’s breast milk and donor breast milk* (2017), (Doctoral dissertation, University of Washington).

14. Some perceive that fresh, unprocessed raw human milk is risky because pathogens may be present and will cause illness. However, natural, beneficial microbes dominate milk from humans, and the microbiota outcompete pathogens, protect against illness, and support healthy gastrointestinal and immune systems as documented in Exhibit “C”, slides 19-20 entitled “Core” *Breast Milk Microbiota Complex and Variable* and *What Is*

Known About Abundance, Functions of Breast Milk Microbiota from Culture-Independent Methods. Extensive controlled scientific studies conducted around the world contradict the perception that raw breast milk is riskier than pasteurized donor milk. (Hunt et al., 2011; Dietert, 2013, 2014, 2017a, 2018; Addis et al., 2016). Now seen by me and marked as Exhibits “W” to “AA” to my affidavit are true copies of; R.R. Dietert, *Natural childbirth and breastfeeding as preventive measures of immune-microbiome dysbiosis and misregulated inflammation* (2013), *Journal of Ancient Diseases & Preventive Remedies*. 1(2):1-8; R.R. Dietert, *Microbiome in Early Life: Self-Completion and Microbiota Protection as Health Priorities*, *Birth Defects Research Part B* (2014), *Developmental and Reproductive Toxicology* 101(4):333-40; R.R. Dietert, *Human and Ecological Risk Assessment*(2017) 23(8):1819-1829; R.R. Dietert, *A Focus on Microbiome Completeness and Optimized Colonization Resistance in Neonatology* (2018), *NeoReviews* 19(2):e78-88; and M.F. Addiset al., *The bovine milk microbiota: insights and perspectives from –omics studies* (2016), 12(8):2359-72.

Raw Bovine Milks

15. As shown above for raw human milks, raw cow milks are also living foods that contain diverse, dense populations of microbes that function similarly though the predominant microbial genera and species may differ(Quigley et al., 2013a and b;Oikonomou et al., 2014; Addis et al., 2016). Cows too have natural milk microbiota that benefits offspring.Pathogens were rarely present in milks from commercial dairy silos and farmstead milk, and when present, were detected at very low densities in comparison to the natural microbiota, as documented in Exhibit “C”, slides 36 and 37 entitled *Raw Milk Microbiota Out-Competes Pathogens and Microbial Ecology: Dominance of Milk*

- Microbiota over Pathogens*. Now seen by me and marked as Exhibits “BB” to “EE” to my affidavit are true copies of Quigley et al., *The microbial content of raw and pasteurized cow milk as determined by molecular approaches* (2013a), *Journal of Dairy Science* 96(8):4928-37; Quigley et al., 2013. *The complex microbiota of raw milk*. *FEMS Microbiology Reviews* (2013b), 37 (5) 664-698; Oikonomou et al., *Microbiota of cow’s milk; distinguishing healthy, sub-clinically and clinically diseased quarters* (2014), *PloS One* 9(1):e85904; and M.F. Addis et al. 2016, *The bovine milk microbiota: insights and perspectives from –omics studies*, *Molecular Biosystems* DOI: 10.1039/c6mb00217.
16. Multiple clinical studies with children around the world demonstrate greater benefits and lower risks for those fed raw milk rather than pasteurized cow milks (**Fisher & Bartlett, 1931; Sozanska et al., 2013; Frei et al., 2014; Loss et al., 2011, 2012, 2015**). Raw milk supports significantly better growth and significantly less respiratory and gastrointestinal illnesses, as well as less non-communicable diseases like asthma and eczema as documented in Exhibit “C”, slide 24 entitled *Clinical Studies on Benefits for Raw Bovine Milks*. Thus, the microbiome in raw milk from cows, like raw breast milk from mothers, contributes to health and protects against disease. Now seen by me and marked as Exhibits “FF” to “LL” to my affidavit are true copies of G. Loss et al, *The protective effect of farm milk consumption on childhood asthma and atopy: the GABRIELA study* (2011), *Journal of Allergy and Clinical Immunology* 128(4):766-73; G. Loss et al, *Prenatal and early-life exposures alter expression of innate immunity genes: the PASTURE cohort study* (2012), *Journal of Allergy and Clinical Immunology* 130(2):523-30; Fisher R.A. & Bartlett S. 1931, *Pasteurized raw milk*, *Nature* 127:591-592; B. Sozańska et al., *Consumption of unpasteurized milk and its effects on atopy and asthma*

in children and adult inhabitants in rural Poland (2013), *Allergy* 68:644-50; R. Frei et al., *Expression of genes related to anti-inflammatory pathways are modified among farmers' children*(2014), M. Moser, ed. *PLoS ONE* 9(3):e91097. doi:10.1371/journal.pone.0091097; and G. Loss et al, *PASTURE study group. Consumption of unprocessed cow's milk protects infants from common respiratory infections* (2015), *Journal of Allergy Clinical Immunology* 135(1):56-62. doi: 10.1016/j.jaci.2014.08.044. Epub 2014 Oct 19. PubMed PMID: 25441645

Risk Analysis and Assessment

17. Opinions about risks from hygienic raw milk are often oversimplifications based on weak evidence, poorly designed studies, or studies representing only partial knowledge of causal factors leading to illness or health. Opinions and conclusions of the United Kingdom (UK) public health authorities (**Taylor, 1931**) were challenged by **Fisher and Bartlett (1931)** who provided a statistical analysis that invalidated the conclusions of the public health authorities and demonstrated significantly increased growth benefits and lower risks of illness for raw than pasteurized milks in a 1920s clinical study of 20,000 school children fed raw milk. Now seen by me and marked as Exhibits “MM” and “NN” to my affidavit are true copies of J. Taylor, *Milk Tests in Lanarkshire Schools* (1931), *Nature* 127:466 and R.A. Fisher & S. Bartlett, *Pasteurized raw milk* (1931), *Nature* 127:591-592.
18. Statistical testing and unbiased experimental designs are now understood as fundamental mechanisms to ‘let the data speak’ and present evidence objectively, but Taylor, 1931 and other early studies were biased (**Fisher & Bartlett, 1931; Pollock, 2006**). Current perceptions of the risks of raw milk have no basis in reliable scientific evidence. Today,

no reputable scientific study credibly demonstrates that pasteurization causes lower risk or higher benefits than hygienic raw milks that contain living microbiota. A recent peer-reviewed publication by **Heckman (2018)** summarized extensive scientific data for benefits associated with raw milks. Now seen by me and marked as Exhibits “OO” and “PP” to my affidavit are true copies of J. Pollock, *Two controlled trials of supplementary feeding of British school children in the 1920s* (2006), *Journal of the Royal Society of Medicine* 99(6) at pp. 323-327; J.R. Heckman, *Securing fresh food from fertile soil, challenges to the organic and raw milk movements* (2017), *Renewable Agriculture and Food Systems* Nov:1-4.

19. Further, risk estimates are uncertain and they depend on data, assumptions, and models. As will be shown below, one United States government assessment estimated risks of similar magnitudes for pasteurized and raw milks (**FDA/FSIS, 2003**), with raw milk risks *lower* than pasteurized when expressed as risk per annum. Another agency of the United States government funded a study that claimed higher risk for raw dairy (**Costard et al., 2017**), but the base data did not support that claim for raw milks produced at licensed dairies. Now seen by me and marked as Exhibits “QQ” and “RR” to my affidavit is a true copy of S. Costard et al, *Outbreak-related disease burden associated with consumption of unpasteurized cow’s milk and cheese* (2017), *United States, 2009–2014, Emerging Infectious Diseases* 23(6):957; and Food and Drug Administration and USDA Food Safety and Inspection Service (FDA/FSIS)(2003), *Quantitative Assessment of Relative Risk to Public Health from Foodborne Listeria monocytogenes Among Selected Categories of Ready-to-Eat Foods*, accessed on September 17, 2015 at:
<http://www.fda.gov/Food/FoodScienceResearch/RiskSafetyAssessment/ucm183966.htm>.

20. Risk analysis incorporates a variety of approaches that consider evidence related to three elements: risk assessment, risk communication, and risk management. One government agency, the UK Food Standards Agency (**FSA**) has partnered with members of the Society for Risk Analysis(**SRA**) in communicating with, not just informing, the public about risk analysis. Two methods are key in evaluating data and models. They are “top-down” and “bottom-up” risk assessment approaches as documented in Exhibit “C”, slides 5, 26 entitled *UK Food Standards Agency (FSA) Approaches and Some US Examples of Top-Down, Bottom-Up Assessments*. I will present examples of each.
21. Regulators and stakeholders around the world disagree in their perceptions of risks and benefits of fresh raw cow’s milk and pasteurized milk. Regulators in the UK tell the public that hygienic raw milk from licensed farms is acceptably low risk and safe for healthy people (**FSA, 2015**). In contrast, federal regulators in the United States tell the public that raw milk is inherently hazardous (**Sheehan, 2005**). Despite this federal assumption, 42 US states license farms and permit sale of hygienic raw milk (**Kennedy, 2017**). A long record of safe consumption of hygienic raw milk exists for licensed farms in the UK and the United States with no deaths and few illnesses documented for licensed (**UK FSA 2015; CDC Food Tool**). Now seen by me and marked as Exhibits “SS” to “UU” are true copies of Food Standards Agency (UK), *Update on FSA Review of Controls for Raw Drinking Milk* (2015), FSA 15/07/04, available at: <https://www.food.gov.uk/news-updates/news/2015/14132/fsa-board-discussion-on-raw-milk>; P.Kennedy, *State raw milk legislation recap* (2017), Farm to Consumer Legal Defense Fund, <https://www.farmtoconsumer.org/>; and J.F.Sheehan, *On the safety of raw*

milk (with a word aboutpasteurization),

<http://www.fdw.gov/downloads/Food/FoodborneIllnessContaminants/UMC166069.pdf>.

22. Where scientific evidence is incomplete or ambiguous, microbial risk assessors make assumptions. Thus, risk practitioners often report risk estimates “with attendant uncertainty”. As knowledge advances, fewer assumptions are necessary and confidence in updated assessments increases. Controlled randomized clinical studies of humans typically provide strong evidence for significance of effects, while observational or retrospective studies or studies conducted of non-human species typically provide weaker evidence. Weak evidence leads to unreliable predictions and is not useful for forecasting future events or public policy.

23. One systematic review of outbreaks as a result of raw dairy products (**Jaros et al., 2008**) illustrates the danger of basing risk assessments on weaker, ambiguous data rather than valid data generated from well-designed, repeatable studies. Many epidemiologic studies were excluded from this analysis because of confounding factors or unacceptable internal validity. Unfortunately, the authors pooled studies for raw milks with information about other dairy products, rather than reporting raw milk outbreaks separately. Even so, no strong causal association was documented for raw dairy products for any of the pathogens considered. These authors also reported: moderate associations for *Campylobacter*, *E. coli*, *Listeria monocytogenes*, and *Salmonella*; weak association for *Brucella*; and, insufficient evidence for any causal association for pathogens including *Shigella*, *Staphylococcus*, *Streptococcus*, and *Yersinia*.

24. The core milk microbiota for humans (**Hunt et al., 2011**) and bovine (**Addis et al., 2016**) includes genera such as *Pseudomonas*, *Ralstonia*, *Staphylococcus*, and *Streptococcus*. These genera are more likely to compete with potential pathogens and prevent illness rather than cause illness, as documented in authoritative microbiological studies cited in Exhibit “C”, slides 20, 36-38, and 40. These slides are entitled *What Is Known About Abundance, Functions of Breast Milk Microbiota from Culture-Independent Methods*, *Raw Milk Microbiota Out-Competes Pathogens*, *Microbial Ecology: Dominance of Milk Microbiota over Pathogens*, and *Ecological Advantage: Microbiota Grows Faster than Pathogens*, and *Evidence for Updating Assumptions about Listeria Growth*. Now seen by me and marked as Exhibits “VV” to “XX” to my affidavit is K.M.Hunt et al., *Characterization of the diversity and temporal stability of bacterial communities in human milk* (2011), Zilberstein D, ed. PLoS ONE 6(6):e21313; P. Jaroset al., *A systematic review of the human disease evidence associated with the consumption of raw milk and raw milk cheese* (2008), Massey University, 92:5; and M.F. Addis et al., *The bovine milk microbiota: insights and perspectives from -omics studies* (2016), 12(8):2359-72.

i. Top-Down Assessments

25. Top-down assessments are one of two basic approaches in assessing scientific evidence and are based on epidemiologic evidence, including evidence from investigations of foodborne disease outbreaks.
26. Outbreaks of foodborne illnesses associated with raw and pasteurized dairy products were reported in the United States from 1993-2006 (**Langer et al., 2012**). The authors pooled dairy commodities in their figures and statistics summarized in an illustrative slide

in Exhibit “C” entitled *Top-Down Evidence from US Outbreaks (1993-2006)*. It shows the reported numbers of outbreaks, cases, and hospitalizations purportedly associated with raw and pasteurized milk. It further shows that neither raw nor pasteurized milk is risk free, and that pasteurized milk caused more cases, but fewer hospitalizations. No deaths were observed for either commodity. However, these are correlative data, not causal data. More controlled scientific study is necessary to prove causality for epidemiologic associations and correlations, due to the presence of multiple confounding factors in epidemiologic studies. What is not known from the Langer study is how many, if any, of the outbreaks were associated with black market raw milk not approved for human consumption and how many outbreaks were associated with farms licensed to distribute hygienic raw milk that met higher standards of practice than milks produced for pasteurization. A further unknown is the size of the doses that caused and did not cause illness in those that consumed raw milk.

27. Two additional epidemiologic studies focused on correlative data from outbreaks associated with raw and pasteurized milks (**Mungai and colleagues (2015) for the reporting years 2007-2012, and Costard and colleagues (2017) for 2009-2014**). The former study reported that raw milk outbreaks were predominantly from black market raw milk. The latter study combined multiple dairy products due to the sparseness of the data. One could assume that the raw milk outbreaks reported in this interval were also predominantly black market raw milk. Neither study demonstrates causality, however, the latter study, funded by the United States Center for Disease Control (**CDC**), made that claim. The raw data for this study simply do not support the claims of the authors. Now seen by me and marked as Exhibits “YY” and “ZZ” to my affidavit are true

copies of E.A. Mungai et al., *Increased Outbreaks Associated with Nonpasteurized Milk, United States, 2007-2012* (2015), *Emerging Infectious Disease* Vol 21(1) 119-122; and S. Costard et al., *Outbreak-related disease burden associated with consumption of unpasteurized cow's milk and cheese, United States, 2009-2014* (2017), *Emerging Infectious Diseases* 23(6):957.

28. The data for raw and pasteurized milk outbreaks is available from the CDC's FOOD tool. State by state analysis of the data is essential, because in the United States state officials, not federal regulators, have authority to regulate raw milk. Disaggregating the data by state is necessary, because pooling data over states in which practices and local environments differ, is not logical. As an example, I have prepared two slides (30 and 31) in Exhibit "C" of data for New York state outbreaks from a subset of the data from the reports mentioned in the previous paragraph. These are entitled *Data NY State Outbreaks Associated with Nonpasteurized Milk (1998-2015)* and *NY State Outbreaks over 18 Years*. These data are available at <https://wwwn.cdc.gov/norsdashboard/>.
29. The only pathogen associated with raw milk outbreaks in NY for the time period covered by the CDC database is *Campylobacter*. The national averages for relative risks of raw and pasteurized milks for salmonellosis, listeriosis, and *E. coli*-associated diseases had not been seen in New York State for decades. Only one dairy farm, out of approximately 40 that are licensed in New York State, was associated with campylobacteriosis. No deaths were attributed to raw milk in New York state. Thus, **Costard et al., (2017)** reasoned from data that were not representative or relevant to New York State-licensed dairies, which illustrates the danger of an overbroad aggregation of weak data.

30. Although *Campylobacter* was associated with 337 deaths as the result of other food commodities in NY state for this period, no deaths were attributed to raw milk (even black market raw milk). When comparing numbers of outbreaks, illnesses, and hospitalizations in NY state across all commodities for this interval, raw milk, predominantly black market raw milk, was associated with only 1% or less of the epidemiologic metrics. Foods other than raw milk thus caused 99% or more of the campylobacteriosis, salmonellosis, listeriosis, and *E. coli* associated outbreaks, illnesses, hospitalizations, and deaths in NY state in this period.

ii. Bottom-Up Assessments

31. Bottom-up assessments are based on food microbiology, microbial ecology, and medical microbiology, including evidence for doses of pathogens causing and not causing illness or a safe exposure level (e.g., <100,000 *Staphylococcus aureus* counts per mL in milk).

32. The most comprehensive microbial risk assessment for foodborne pathogens to date was conducted by United States Food and Drug Administration and the United States Department of Agriculture, Food Safety and Inspection Service for listeriosis in 23 *food categories*, including raw milk and pasteurized milks from cows (**FDA/FSIS, 2003**). The approach began with available evidence for exposure assessment (occurrence and levels (counts) of *Listeria monocytogenes* in the food commodities, growth or no growth at various temperatures for food storage, estimation of counts per serving and numbers of contaminated servings consumed per year linked with evidence for doses causing illness (dose-response assessment)) to calculate relative risks for these 23 food commodities as per serving and annual estimates of illness. In Exhibit “C”, Summary Figure 1 from this report is included on the slide entitled *Bottom-Up: Listeriosis Relative Risks FDA/FSIS*,

2003 showing the ranking of these commodities by the two metrics –riskper serving on the left axis, and risk per annum on the top.

33. It was surprising to see that a comprehensive government assessment estimated that risks of both pasteurized and raw milks were high. That is explained by the simple fact that the FDA/FSIS used overly conservative growth (LaTorre et al., 2011; Stasiewski et al., 2014) and dose-response models (Chen et al., 2003; FDA, 2008) that overpredicted serious/fatal illness. No cases were simulated for doses of less than 4,000 *Listeria* per serving, consistent with innate immunity and colonization resistance to doses of the pathogen below this threshold region for illness. Now shown to me and marked as Exhibits “AAA” to “CCC” are true copies of M.J. Stasiewicz et al., *Responding to bioterror concerns by increasing milk pasteurization temperature would increase estimated annual deaths from listeriosis* (2014), *J Food Protection* 77:696e–712; Y. Chen et al. *Listeria monocytogenes: Low levels equal low risk* (2003), *Journal of Food Protection* 66(4):5707; and FDA. 2008. Draft Compliance Policy Guide Sec. 555.320 *Listeria monocytogenes*, FR 73(26):7298-7310.
34. In fact, the only listeriosis outbreak in recent US history that recorded fatalities was associated with a commodity expected to be very low risk (FDA/FSIS, 2003): ice cream prepared from pasteurized milk. Serious/fatal cases were observed only in hospitalized patients with severely compromised immune systems, while the general population was not susceptible to illness despite widespread exposures, including to non-institutionalized children and the elderly (Pouillot et al., 2016). Uncertainty is typically high for risk assessments, and the data do not support high confidence for predicting future outbreaks, cases, and deaths. Now seen by me and marked as Exhibit “DDD” to my affidavit is a true

- copy of R. Pouillot et al., *Infectious Dose of Listeria monocytogenes in Outbreak Linked to Ice Cream, United States, 2015* (2016), *Emerging Infectious Diseases*, 22(12), 2113-2119. <https://dx.doi.org/10.3201/eid2212.160165>.
35. The bottom-up estimates for fatalities per year and per serving are summarized from the FDA/FSIS report in Exhibit “C” in the slide entitled *Bottom-Up Listeriosis Predictions For Milks* as well as estimates from a subsequent update of this analysis by Cornell University researchers (**Latorre et al., 2011**). Risk for *listeriosis* in raw milk is now estimated as very low – approximately two cases per quadrillion (2×10^{-15} or 2 in 1,000 trillion) exposures. Now seen by me and marked as Exhibit “EEE” to my affidavit is a true copy of A.A.Latorre et al., *Quantitative risk assessment of listeriosis due to consumption of raw milk* (2011), *Journal of Food Protection* 74(8):1268-81.
36. Similar comprehensive assessments have not been conducted for other pathogens of concern for raw milks: *Campylobacter*, *Salmonella*, and *E. coli* pathogens. However, what is known of the microbial ecology of milks is that none of these pathogens can compete with the microbiota at refrigeration temperatures (**FDA, 2001; Coleman et al., 2003a, 2003b, 2004, 2017; Marks et al., 2003, 2004**). Illness is unlikely when licensed farms impose additional controls to minimize contamination of milks intended for human consumption as raw products. Now shown to me and marked as Exhibits “FFF” to “LLL” are true copies of Food and Drug Administration (FDA), *Evaluation and Definition of Potentially Hazardous Foods* (2001), Chapter 3, Factors that influence microbial growth. Retrieved at <http://www.fda.gov/Food/Food-ScienceResearch/SafePracticesforFood-Processes/ucm094141.htm>; M.E. Coleman et al., *Influence of sub-optimal growth of the enteropathogen Escherichia coli O157:H7 on risk*

assessment (2003), *International J Food Microbiology* 83(2):147-160; M.E. Coleman et al., *Impact of microbial ecology of meat and poultry products on predictions from exposure assessment scenarios for refrigerated storage* (2003), *Risk Analysis* 23(1):215-28; M.E. Coleman et al., *Discerning strain effects in microbial dose-response data* (2004), *J Toxicology and Environmental Health* 67(8-10):667-85; M.E. Coleman et al., *Mechanistic Modeling of Salmonellosis: Update and Future Directions* (2017), *Human and Ecological Risk Assessment: An International Journal* 23(8):1830-56; H.M. Marks et al., *Further deliberations of uncertainty in risk assessment* (2003), *Human and Ecological Risk Assessment* 9:1-12; and H.M. Marks & M.E. Coleman, *Accounting for inherent variability of growth in microbial risk assessment* (2004), *International J Food Microbiology* 100(1-3):275-87.

37. Risk assessors often overestimate risk by imposing conservative assumptions about dose-response relationships for the frequency and severity of illness. The recent observation by one risk assessment team (**Snary et al., 2016 at 445**) is that “it is quite common for QMRAs [Quantitative Microbial Risk Assessments] to overestimate the number of cases” – a systematic error that may be attributed to exclusive use of overly conservative dose-response models that poorly reflect the complexity of pathogen-superorganism interactions. Now seen by me and marked as Exhibits “MMM” and “NNN” to my affidavit are true copies of C.M.A. Khan, *The Dynamic Interactions between Salmonella and the microbiota, within the challenging niche of the gastrointestinal tract* (2014), *Int Sch Res Notices*, 846049; and E.L. Snary et al., *A quantitative microbiological risk assessment for Salmonella in pigs for the European Union* (2016), *Risk Anal* 36:437-49.

Scientific Advances in Knowledge of the Microbiota of Milks

38. Misguided ideas based on incorrect assumptions from 20th century science appear to contribute to prejudices against evidence-based policies and regulations about raw milk. Multitudes of genomic studies conducted in the 21st century now contradict the ‘old biology’: *Homo sapiens* and the microbiota are now known to interact as collaborative partners in health (**Dietert, 2016**). Recent studies demonstrate that milks contain large numbers of natural, beneficial microbes, the microbiota, at densities as high as 10,000 microbes per mL (**Jeurink et al., 2013**). Exposure to the natural microbiota and low numbers of pathogens in milks benefits babies’ growth and development of healthy gut and immune systems (**Dietert, 2016; Dietert, 2018**). Now seen by me and marked as Exhibit “OOO” to my affidavit is P. Jeurink et al., *Human milk: A source of more life than we can imagine* (2013), *Beneficial Microbes* 4(1):17-30.
39. Scientific studies demonstrate that pasteurizing milk kills the microbiota, and health benefits are lost. Human donor milk banks around the world, except in Norway, pasteurize breast milk from donors because of the assumption that pathogens may be present. Mothers of hospitalized infants around the world who cannot breastfeed their preterm or sick babies are offered two poor substitutes: pasteurized donor milk or formula. Both alternatives lack the clinically demonstrated benefits of breast milk with its microbiota intact. Evidence of benefits includes multiple clinical studies from hospitals around the world with preterm neonates in hospital environments.
40. Is pasteurization of raw milk necessary and beneficial to health? Recent evidence does not support the assumptions that pasteurization reduces risk of disease and increases health benefits. In the 21st century, public health officials in the UK have addressed this

invalid conclusion of the 1930s (**Taylor, 1931**) by advising the public that raw milk from licensed farms is safe for healthy consumers (UK FSA 2015). Raw cow milks provided statistically significant improvements in growth for school children in comparison to pasteurized milks (Fisher and Bartlett, 1931) and in subsequent human clinical trials conducted around the world, as documented in Exhibit “C”, slides 15 and 24 entitled *Risks AND Benefits for Vulnerable Population and Clinical Studies on Benefits for Raw Bovine Milks*. No scientific studies falsify the evidence from human clinical trials.

41. Pathogens naturally present in mothers’ milks at low doses are known not to cause illnesses in the babies fed that milk (**Schanler et al., 2011**). Pathogens are rarely detected in milks, and when present are at densities too low to compete with the natural microbiota of raw milks, particularly at refrigeration temperatures. Bacteria like *Staphylococcus* common in the core milk microbiota from humans (**Hunt et al., 2011; Jimenez et al., 2015; Cacho & Lawrence, 2017**) and cows (**Quigley et al., 2013; Oikonomou et al., 2014; Addis et al., 2016; Ganda et al., 2017**) are safe even at high levels without detriments to human or bovine health. Human milk banks permit large numbers of bacteria like *Staphylococcus aureus* (<100,000 per mL) in breast milk (**Omarsdottir et al., 2008**), which is the threshold bacterial density before the toxin causing illness is produced. Similarly, high numbers of *Staphylococcus* are permitted in milk from licensed dairies, and risk of illness from this pathogen is low. Now shown to me and marked Exhibits “PPP” to “RRR” are true copies of E Jiménez et al., *Metagenomic analysis of milk of healthy and mastitis-suffering women* (2015), *Journal of Human Lactation* 31(3):406-15; E.K. Ganda et al., *Normal milk microbiome is reestablished following experimental infection with Escherichia coli independent of intramammary antibiotic*

treatment with a third-generation cephalosporin in bovines (2017), *Microbiome* 2017;5:74. doi:10.1186/s40168-017-0291-5; and, S. Omarsdottir et al., *Breastmilk handling routines for preterm infants in Sweden: a national cross-sectional study* (2008), *Breastfeeding Medicine* 3(3):165-70.

42. Also documented in the published literature are multiple studies demonstrating the presence of up to 700 species of non-pathogenic or commensal bacteria in fresh human milks(Carbrera-Rubio et al., 2012)and their value for offspring in modulating their immune systems and establishing a symbiotic gut microbiota(Dietert, 2016, 2018). Clinical trials, many conducted prior to the advances in the ‘microbiome revolution’ of the recent decade, demonstrate protective effects of fresh breast milks against many diseases in new babies. Now seem by me and marked as Exhibit “SSS” to my affidavit is a true copy of R.M. Cabrera-Rubio et al.,*The human milk microbiome changes over lactation and is shaped by maternal weight and mode of delivery*(2012), *The American Journal of Clinical Nutrition* 96(3): 544-551.
43. Multiple studies demonstrate dose-dependent protections of breastfed infants and provide explanatory evidence on potential mechanisms influenced by the milk microbiota. Recent studies considering breast milk culture results and incidence of disease in preterm infants found that presence of potential bacterial and viral pathogens was not predictive of illness.
44. Similarly, raw milk from cows is perceived as higher risk because pathogens may be present and will cause illness. The underlying assumptions, that the presence or absence of pathogens in milk samples predicts illness or health,are incorrect based on 21st century science. Strong scientific evidence from multiple human clinical studies contradicts these

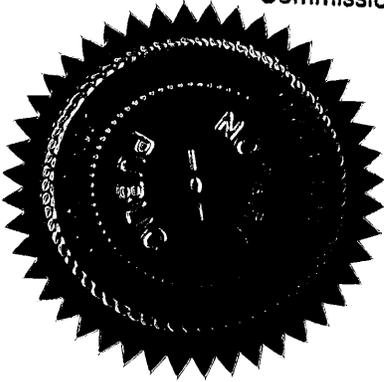
assumptions. No other scientific studies falsify the data from these human clinical trials. These studies unanswerably demonstrate that infants and children drinking hygienic raw milk have higher health benefits and lower risks compared to children drinking pasteurized milk.

SWORN BEFORE ME at the Town of Groton, in Tompkins County of New York State on this 10th day of April, 2018.

Robin B. Cargian
A Notary Public in and for the State of New York

} *Margaret E. Coleman*
MARGARET E. COLEMAN

Robin B. Cargian
Notary Public, State of New York
No. 01CA6223510
Qualified in Tompkins County
Commission Expires June 14, 2018



JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
TORONTO

AFFIDAVIT

GARDINER ROBERTS LLP
Bay Adelaide Centre, East Tower
3600 - 22 Adelaide Street West
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Daria Peregoudova, LSUC #73005Q
Email: dperegoudova@grllp.com

Tel: 416-865-2962

Fax: 416-865-6636

Counsel for the Applicants

This is Exhibit "A" referred to in the Affidavit of Margaret E. Coleman sworn April 10, 2018


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Robin B. Cargian
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This is Exhibit "B" referred to in the Affidavit of Margaret E. Coleman sworn April 10, 2018


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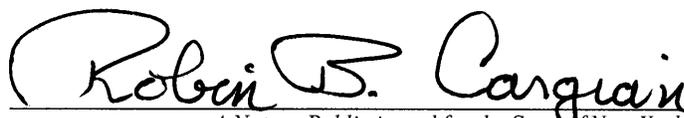
This is Exhibit "C" referred to in the Affidavit of Margaret E.
Coleman sworn April 10, 2018


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Coleman sworn April 10, 2018


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This is Exhibit "E" referred to in the Affidavit of Margaret E.
Coleman sworn April 10, 2018

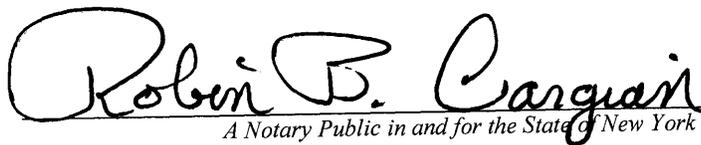


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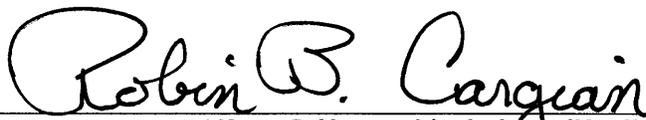
This is Exhibit "H" referred to in the Affidavit of Margaret E.
Coleman sworn April 10, 2018


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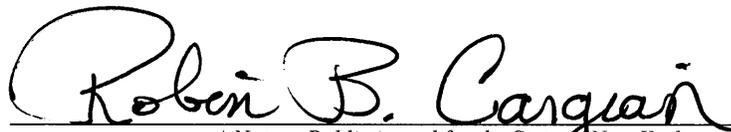
This is Exhibit "I" referred to in the Affidavit of Margaret E. Coleman sworn April 10, 2018


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This is Exhibit "K" referred to in the Affidavit of Margaret E.
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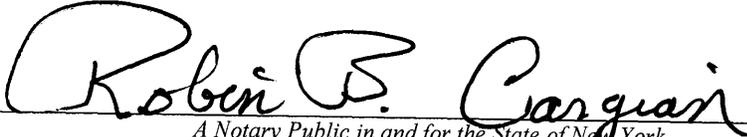
This is Exhibit "L" referred to in the Affidavit of Margaret E.
Coleman sworn April 10, 2018


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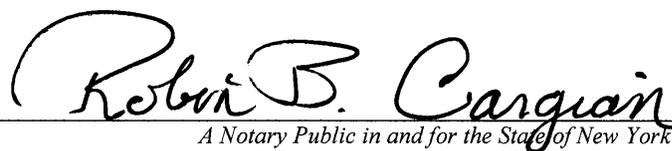
This is Exhibit "M" referred to in the Affidavit of Margaret E.
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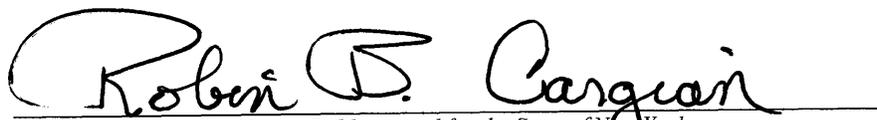
This is Exhibit "O" referred to in the Affidavit of Margaret E.
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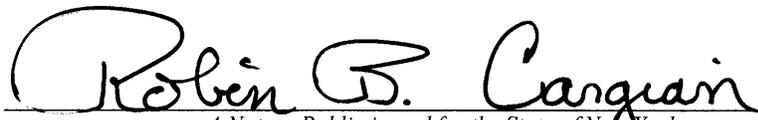
This is Exhibit "Q" referred to in the Affidavit of Margaret E.
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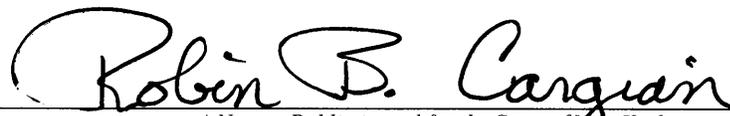
This is Exhibit "S" referred to in the Affidavit of Margaret E.
Coleman sworn April 10, 2018


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This is Exhibit "T" referred to in the Affidavit of Margaret E.
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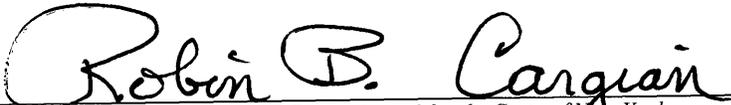


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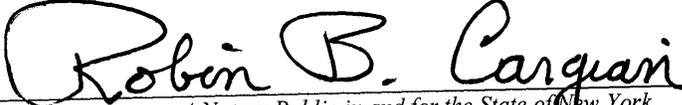
This is Exhibit "U" referred to in the Affidavit of Margaret E.
Coleman sworn April 10, 2018


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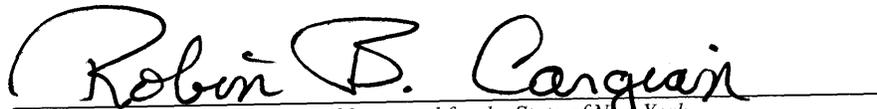
This is Exhibit "V" referred to in the Affidavit of Margaret E.
Coleman sworn April 10, 2018


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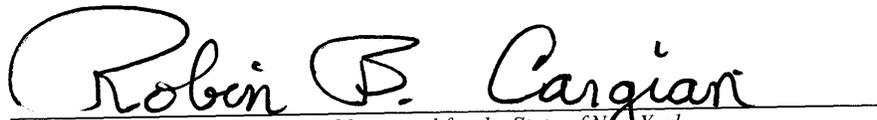
This is Exhibit "W" referred to in the Affidavit of Margaret E.
Coleman sworn April 10, 2018


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This is Exhibit "X" referred to in the Affidavit of Margaret E.
Coleman sworn April 10, 2018


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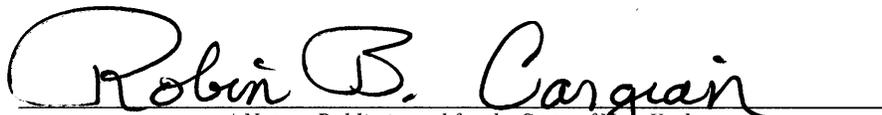
This is Exhibit "Y" referred to in the Affidavit of Margaret E. Coleman sworn April 10, 2018


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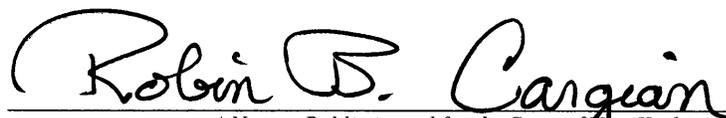
This is Exhibit "Z" referred to in the Affidavit of Margaret E.
Coleman sworn April 18, 2018


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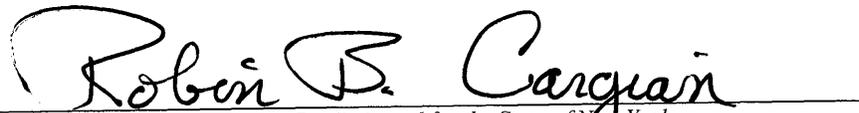
This is Exhibit "AA" referred to in the Affidavit of Margaret E. Coleman sworn April 10, 2018


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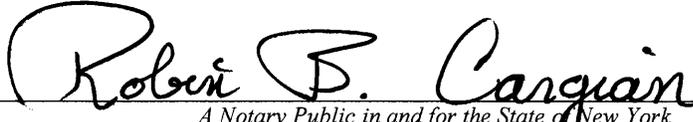
This is Exhibit "BB" referred to in the Affidavit of Margaret E.
Coleman sworn April 10, 2018


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This is Exhibit "CC" referred to in the Affidavit of Margaret E.
Coleman sworn April 10, 2018


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This is Exhibit "DD" referred to in the Affidavit of Margaret E.
Coleman sworn April 10, 2018


A Notary Public in and for the State of New York

Robin B. Cargian
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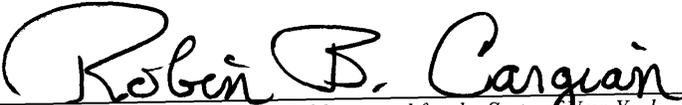
This is Exhibit "EE" referred to in the Affidavit of Margaret E. Coleman sworn April **10**, 2018


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Robin B. Cargian
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Qualified in Tompkins County
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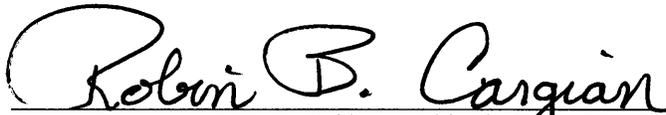
This is Exhibit "FF" referred to in the Affidavit of Margaret E.
Coleman sworn April 10, 2018


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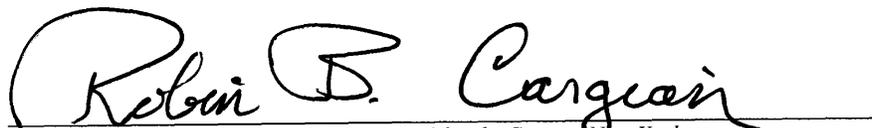
This is Exhibit "GG" referred to in the Affidavit of Margaret E.
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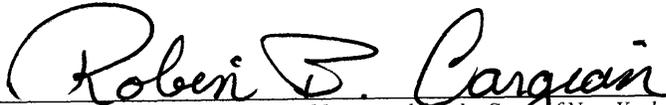
This is Exhibit "HH" referred to in the Affidavit of Margaret E.
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This is Exhibit "II" referred to in the Affidavit of Margaret E.
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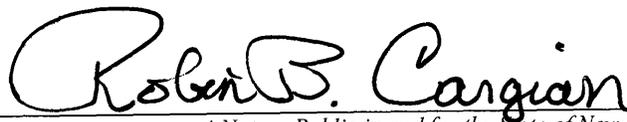
This is Exhibit "JJ" referred to in the Affidavit of Margaret E.
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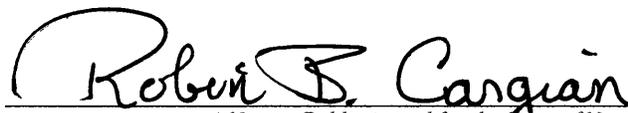


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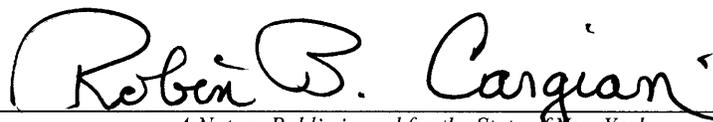
This is Exhibit "LL" referred to in the Affidavit of Margaret E. Coleman sworn April 10, 2018


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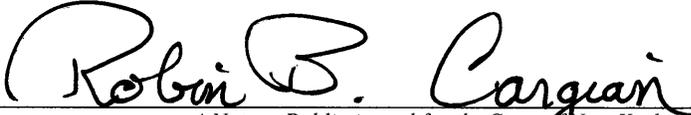


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Robin B. Cargian
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Commission Expires June 14, 2018

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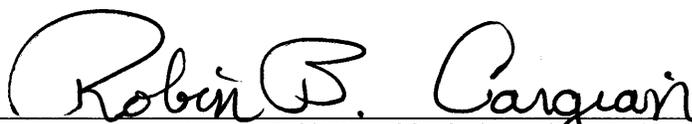
This is Exhibit "NN" referred to in the Affidavit of Margaret E.
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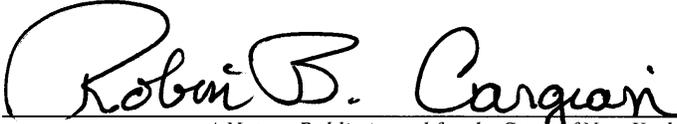


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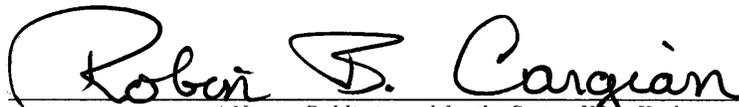
This is Exhibit "PP" referred to in the Affidavit of Margaret E. Coleman sworn April 10, 2018


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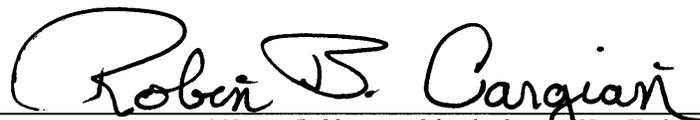
This is Exhibit "RR" referred to in the Affidavit of Margaret E.
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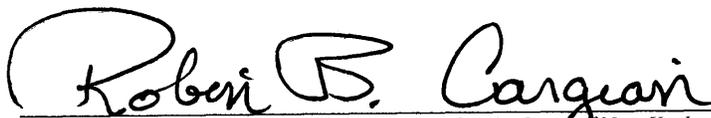
This is Exhibit "SS" referred to in the Affidavit of Margaret E.
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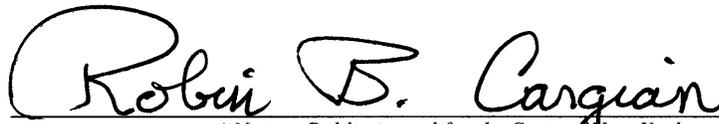
This is Exhibit "UU" referred to in the Affidavit of Margaret E.
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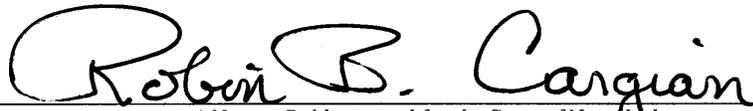


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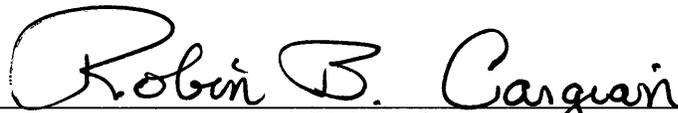


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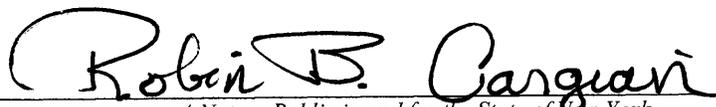


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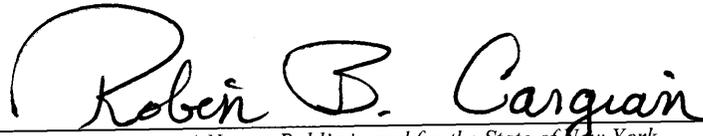
This is Exhibit "AAA" referred to in the Affidavit of Margaret E.
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This is Exhibit "BBB" referred to in the Affidavit of Margaret E.
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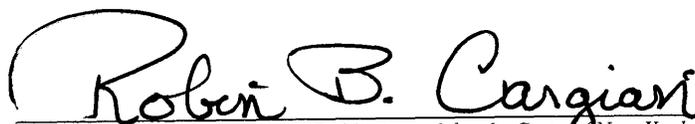


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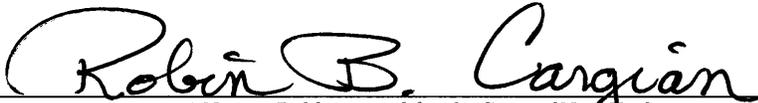
This is Exhibit "CCC" referred to in the Affidavit of Margaret E.
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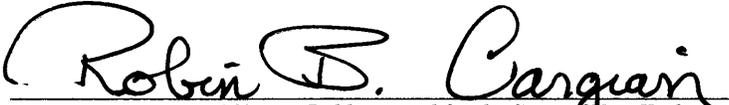
This is Exhibit "DDD" referred to in the Affidavit of Margaret E.
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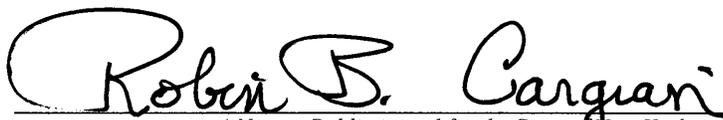
This is Exhibit "EEE" referred to in the Affidavit of Margaret E.
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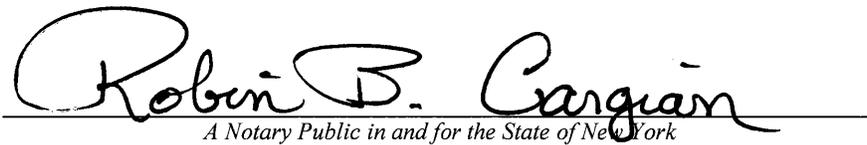
This is Exhibit "FFF" referred to in the Affidavit of Margaret E.
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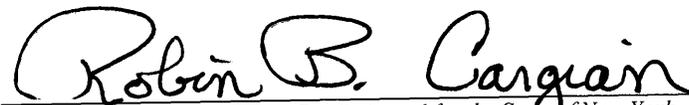
This is Exhibit "GGG" referred to in the Affidavit of Margaret E. Coleman sworn April 10, 2018


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This is Exhibit "HHH" referred to in the Affidavit of Margaret E.
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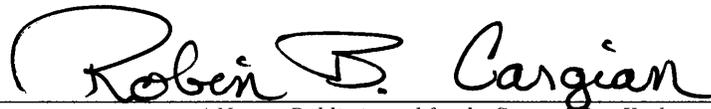
This is Exhibit "III" referred to in the Affidavit of Margaret E.
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This is Exhibit "JJJ" referred to in the Affidavit of Margaret E.
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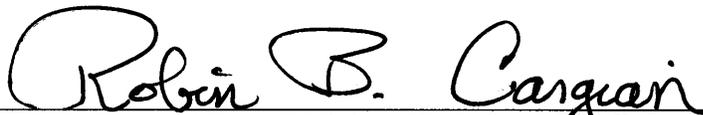


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This is Exhibit "KKK" referred to in the Affidavit of Margaret E. Coleman sworn April 10, 2018

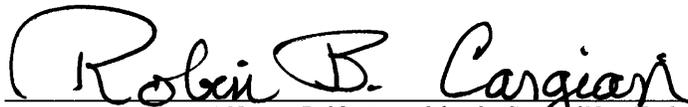


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This is Exhibit "LLL" referred to in the Affidavit of Margaret E.
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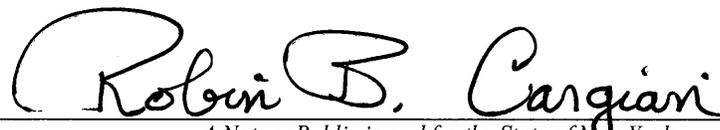
This is Exhibit "NNN" referred to in the Affidavit of Margaret E.
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This is Exhibit "OOO" referred to in the Affidavit of Margaret E. Coleman sworn April 10, 2018



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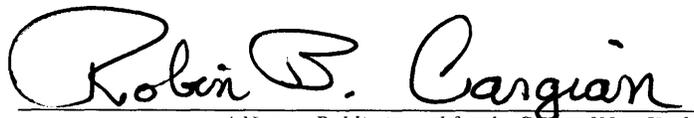
This is Exhibit "PPP" referred to in the Affidavit of Margaret E.
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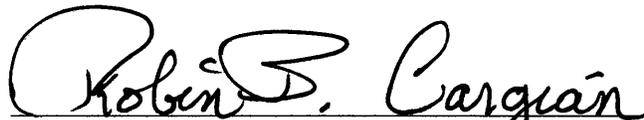
This is Exhibit "QQQ" referred to in the Affidavit of Margaret E.
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This is Exhibit "RRR" referred to in the Affidavit of Margaret E.
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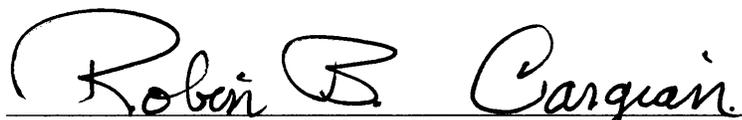


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This is Exhibit "SSS" referred to in the Affidavit of Margaret E. Coleman sworn April 10, 2018

Handwritten signature of Robin B. Carquin in cursive script.

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SUPERIOR COURT OF JUSTICE

B E T W E E N:

**James Lansing Affleck, John Baak, Eric Bryant,
Carol Celenza, Sanda Draga, Werner Fabian, Karen Fliess,
Merle Gould, Maria Helms, Allyson McMullen, Liliana Miculescu,
Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg,
Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec**

Applicants

- and -

**The Attorney General of Ontario and the
Attorney General of Canada**

Respondents

AFFIDAVIT OF DR. NADINE IJAZ

I, Nadine Ijaz, of the city of Hamilton, in the province of Ontario, Canada, health services and policy researcher and scholar, affirm and say as follows:

1. I have a personal knowledge of all matters I depose to, except where I refer to studies whose findings and conclusions I believe to be sound and true. I consider all studies I refer to in this affidavit as authoritative and believe that all of my scientific colleagues regard them as authoritative as well.
2. I have been asked, as an expert, to submit an affidavit that describes and comments upon the most important and up-to-date research insights respecting the broader scientific, sociocultural and regulatory context of consumption of raw (unpasteurized) milk in Canada.
3. I have read Rule 4.1.01(1) of the Ontario Rules of Civil Procedure and consider it my duty and undertake to:

- (a) provide opinion evidence that is fair, objective and non-partisan;
- (b) provide opinion evidence that is related only to matters that are within my area of expertise; and
- (c) provide such additional assistance as the Court may reasonably require to determine the matters in issue.

Qualifications: interdisciplinary academic background

4. I was born in the province of Ontario, Canada and graduated in 2001 with an undergraduate degree (BArtsSc) from McMaster University's Arts and Science Program (2001), world-renowned for its trans-disciplinary integration of the sciences, social sciences and humanities. My undergraduate thesis involved an interdisciplinary study of food-related issues using scientific as well as sociological perspectives. In 2012, I earned an MSc degree in herbal medicine from the University of Wales (2012), a program with a significant coursework focus on the ways in which contemporary scientific evidence may be variously and critically interpreted according to the conceptual lens through which it is viewed. In 2017, I successfully defended my PhD degree at the Department of Pharmaceutical Sciences, Leslie Dan Faculty of Pharmacy, University of Toronto. My PhD's substantive focus pertained to regulatory conceptualizations of the public interest in relation to health professions and practices (such as acupuncture) that have historically been positioned outside of conventional biomedical practice in North America. Over the course of my PhD studies in the field of traditional, complementary and alternative medicine (TCAM), I was honoured with multiple merit-based awards in relation to my interdisciplinary work, which – like my previous and subsequent research – critically examines the intersections between science, sociological/cultural context and policy.

Qualifications: research focus on socio-political interpretations of scientific evidence

5. Much of my published research directly addresses the ways in which dominant *interpretations* of bioscientific evidence may reflect long-standing socio-political power relationships. Such power relations, I show, may be inappropriately reproduced in regulation, despite the state's articulated commitment to implementing evidence-informed policy. In particular, my research addresses the ways in which the highly-charged concept of *safety* may be politically deployed in such policy processes as described above. My work on this subject has been published in scholarly journals and books, including in the peer-reviewed journal *Social Science and Medicine*, ranked as the #1 academic journal globally in the field of Health/Social Science (Scimago Journal Rankings, H-index, 2015). I also have work published/accepted for publication in journals focused on sociolegal studies.
6. I am currently a Postdoctoral Fellow at the University of Toronto, cross-appointed to the Faculties of Sociology and Pharmacy. In this role, I am funded by the Canadian Institutes of Health Research to conduct a study on the statutory regulation of acupuncture/Chinese medicine, naturopathy and homeopathy in Ontario. As in my previous scholarly work (including that related to raw milk, described further on), this research brings together issues of health policy/regulation and scientific evidence within their broader sociological/cultural contexts.
7. I am also currently contracted to teach an undergraduate course in McMaster University's interdisciplinary Arts and Science Program. This course, entitled 'Global Justice Inquiry', has a thematic focus on 'Food'; and takes a multi-disciplinary approach to investigating a range of scientific, political, sociological, epistemological and economic issues related to the broader course theme, both in the Canadian and broader global contexts. The scientific, sociocultural and regulatory complexities surrounding raw milk in industrialized nations are among the issues studied in this course. In 2017-2018, I was awarded the McMaster Students Union's Excellence in Teaching Award for my work in teaching this course.

Qualifications: raw milk controversy

8. The ongoing controversy surrounding the consumption of raw milk in Canada represents one of my areas of scholarly expertise. The raw milk controversy, like the other issues I study in the TCAM field, raises a wide range of complex scientific, sociocultural and regulatory issues that are most effectively addressed using an interdisciplinary scholarly lens. My many years of interdisciplinary academic training afford me a unique expertise enabling me to rigorously evaluate scientific as well as sociological data, with reference to policy contexts, in relation to raw milk consumption. I am unaware of any other North American scholar with parallel interdisciplinary expertise in this area. In addition to my published work in this area, I have been sought after to speak on this topic as an expert scholar in several settings.
9. In 2014, my academic paper, entitled *Canada's 'Other' Illegal White Substance: Evidence, Economics and Raw Milk Policy*, was published in the *Health Law Review* (Volume 22, Issue 1, pp. 26 – 39), published by the University of Alberta's Health Law Institute (referred to below at paragraph 67. To my knowledge, this represents the only detailed scholarly analysis of Canadian policy around unpasteurized milk, and includes an overview of the pertinent scientific literature.
10. In April 2014, I was among an international group of scholars invited to present at the University of Guelph's Science-to-Policy Symposium, organized by the university's Food Science department. My presentation, entitled *Raw Milk Risk in Context: A Science-to-Policy Approach*, focused on the intersection between evidence and policy related to unpasteurized milk safety and access in Canadian and global context.
11. In June 2014, I was invited to present my work on the subject of evidence and policy pertaining to unpasteurized milk in Canada, to the Environmental and Occupational Health, and Communicable/Infectious Diseases teams at Public Health Ontario. The presentation, entitled *Raw Milk Evidence and Public Health Policy in Ontario's Context*, was also webcast live to other Public Health Ontario staff members.

12. In May 2013, I was invited to present a Grand Rounds seminar at the British Columbia Centre for Disease Control in Vancouver. This session, entitled *Unpasteurized Milk: Myths and Evidence*, was attended live by Vancouver BCCDC leaders and staff; and available by live videoconference to BC public health leaders and staff across the province.

Issue Identification

13. In this affidavit, I will take an interdisciplinary scholarly approach, using up-to-date peer-reviewed research as well as relevant government sources, to address several points related to this broader theme, including: a) the Canadian context of raw milk consumption; b) a risk ranking profile of raw milk in industrialized countries; c) a discussion of risk management; d) a discussion of risk communication; e) the rationale for raw milk consumption in industrialized countries.

The Canadian Context of Raw Milk Consumption

Regulatory strategy of libertarian paternalism

14. Consumption of raw milk is legal in Canada, that is, there are no federal or provincial regulatory stipulations that limit or ban its consumption. In 1990, however, the Canadian federal government banned the sale of raw milk under s. B.08.002.2 of the *Food and Drug Regulations (FDR)*. This ban was described by Health Canada as aimed at providing “a regulatory safeguard against milk-borne illness by implementing a uniform control measure across Canada” (Food and Drug Amendment Regulatory Impact Analysis Statement). This approach falls within the parameters of what has come to be known as a regulatory ‘nudge’. Nudges, within a public health context, represent a “libertarian paternalis[t]” strategy that “aims at protecting those who are susceptible of making harmful choices while preserving the freedom of choice for those who can take a more enlightened decision” (Menard 2010, p. 234) Now shown to me and attached as Exhibits “A” and “B” to my affidavit are true copies of *Food and Drug Amendment Regulatory Impact Analysis Statement*, SOR/91-549 (1991); and J. F. Menard, *A 'nudge' for public health ethics:*

libertarian paternalism as a framework for ethical analysis of public health interventions? 2010 Public Health Ethics, 3, 229-238.

15. Across the country, provincial governments – which govern the sale and distribution of fluid milk under a nationally-implemented supply management system – have implemented a range of regulatory approaches which, conceptually speaking, both align with and are at odds with the federal government’s ‘libertarian paternalist’ approach to raw milk governance. In Ontario, for example, stipulations under the province’s *Milk Act* and *Health Protection and Promotion Act (HPPA)* limit not only the act of selling but also the act of distributing raw milk, to those licensed to do so. Other provinces have implemented regulatory parameters with similar impact. Conceptually and in practice, such regulatory approaches extend the ‘paternalism’ of Canada’s raw milk policy environment by placing additional limitations on Canadians’ raw milk access, while narrowing down the population that may readily benefit from the ‘libertarian’ stipulations of the related federal regulations to those persons (and their families) who own their own dairying animals and live on the farms where these animals are milked.

Canada as outlier among other industrialized nations

16. Canada’s official stance that raw milk consumption poses a greater risk of foodborne illness to the individual consumer than pasteurized milk consumption, is consistent with the stance taken by other industrialized world nations, and is a point upon which most scientific experts will also agree.
17. That said, with reference to other industrialized nations, Canada is a notable outlier with respect to its raw milk regulatory regime. Although Australia has a similar regulatory framework, raw milk may be legally sold across much of Europe (**Baars, 2013**). In the United States, interstate transport of raw milk remains outlawed, but two-thirds of all states permit raw milk’s sale and/or distribution directly to the consumer (whether in retail or farm gate settings, or through herdshare programs) (**Costard et al., 2017**). Now shown to me and attached as Exhibits “C” and “D” to my

affidavit are true copies of T. Baars, *Milk consumption, raw and general, in the discussion on health or hazard* (2013), *Journal of Nutritional Ecology and Food Research*, 1, 91-107; and S. Costard et al., *Outbreak-related disease burden associated with consumption of cow's milk and cheese* (2017), United States, 2009-2014. *Emerging Infectious Diseases*, 23, 957-964.

18. It is known that 88% of Canadian dairy farmers and/or their families consume raw milk that was procured directly from their on-farm bulk tanks (**Young et al., 2010**). According to a 2011 survey conducted by Public Health Ontario, approximately 2% of Ontario residents are reported to consume unpasteurized milk. This figure parallels American rates of consumption, at 3%, as reported by the US Centers for Disease Control and Prevention (**2007**). Although data from the European context shows that some consumers who procure raw milk may heat it at home (**Giacometti et al., 2012; Giacometti et al., 2012b**), it is unknown what proportion of the raw milk procured by Canadian or American consumers may be heated, or used in cooking before consumption, versus consumed raw. Now shown to me and attached as Exhibits “E” to “J” to my affidavit are true copies of I. Young et al., *Knowledge and attitudes towards food safety among Canadian dairy producers* (2010), *Prey Vet Met* 94, 65-76; Public Health Ontario. 2013. *PHO technical report: Update on raw milk consumption and public health: a scientific review for Ontario public health professionals* Toronto, Ontario Agency for Health Protection and Promotion; Us Centers For Disease Control And Prevention. 2007. *Foodborne diseases active surveillance network (FoodNet) population survey atlas of exposures 2006-2007* [Online]; Atlanta, GA: US Department of Health and Human Services, Centers for Disease Control and Prevention. Available: http://www.cdc.gov/foodnet/surveys/FoodNetExposureAtlas0607_508.pdf [Accessed December 20, 2012]; F. Giacometti et al., *Foodborne pathogens in in-line milk filters and associated risk factors in dairy farms authorized to produce and sell raw milk in Northern Italy* (2012), *J Food Prot*, 75, 1263-1269; and F. Giacometti et al., *Quantitative risk assessment of verocytotoxin-producing Escherichia coli 0157 and Campylobacter jejuni related to consumption of raw milk in a province in Northern Italy* (2012b). *J Food Prot*, 75, 2031-2038.

19. A peer-reviewed study (Nesbitt et al, 2009) found that “the prevalence of drinking unpasteurized milk decreased with increasing education level” and that raw milk consumption in the Waterloo, Ontario region was “significantly more prevalent among rural [rather than urban] residents” (p. 2577). However, these data were derived from a sample subset of *seventeen* raw milk consumers (within a broader study of over 2000 English-speaking individuals), raising question as to whether it reliably represents broader population trends. To my knowledge there are no additional recent studies that examine the demographic characteristics of Canadian raw milk consumers. Now shown to me and attached as Exhibit “K” to my affidavit is a true copy of A. Nesbitt et al., High-risk food consumption and food safety practices in a Canadian community. *Journal of Food Protection*, 2009, 72, 2575-2586.

Canadian raw milk regulation in context of evidence-informed health policy

20. The Canadian federal government has made explicit its commitment to the implementation of evidence-informed health policy, including with respect to risk assessment (Saner, 2010). Such an approach involves consideration of risks, benefits and socio-political considerations pertaining to a particular policy issue; and is predicated on established scientific hierarchies of evidence types (Gostin, 2008, Wilson and Keelan, 2013). Evidence-informed decision-making is moreover a “best practice” approach in “public health policy and practice” advocated at the federal level in Canada (PHAC, 2014). Now shown to me and attached as Exhibits “L” to “O” to my affidavit are true copies of M. Saner, *A primer on scientific risk assessment at Health Canada* (2010), Ottawa, ON, Publications Health Canada; L. Gostin, *Public health law: power, duty, restraint* (2008), Berkeley, University of California Press; K. Wilson and J. Keelan, *Risk, Causation and Precaution: Understanding policy-making regarding public health risks* (2013), in: N. M. Ries, T. Bailey, & T. Caulfield, (eds.) *Public Health Law & Policy in Canada*, Canada: LexisNexis (Elsevier); and Public Health Agency of Canada. 2014. Online at: <http://cbpp-pcpe.phac-aspc.gc.ca/resources/evidence-informed-decision-making/>.

21. It is important to note that there are no other foods in Canada for which regulatory restrictions exist that are similar to those implemented for raw milk. This would appear to suggest, given the articulated rationale for Canada's range of raw milk regulations, and Canada's commitment to evidence-informed health policy, that raw milk has been evidenced as a food that represents a disproportionately high risk of foodborne illness to the consumer, when compared with other risk-bearing foods that do not have similar regulatory restrictions. In what follows, I evaluate this premise.

A Risk Ranking Profile of Raw Milk in Industrialised Countries

22. The approach to presenting risk-related evidence taken in this affidavit aligns specifically with the *Health Canada Decision Making Framework for Identifying, Assessing and Managing Health Risks*. This three-pronged framework involves: issue identification, risk assessment, and risk management. The issue under study is the risk of human illness associated with raw milk consumption in Ontario's public health context. In what follows I will primarily address the issue of risk assessment, with the aim of addressing questions around risk management further on in my affidavit.

Quantitative microbial risk assessment (QMRA)

23. With respect to assessing food safety, and more specifically the risks of foodborne illness, Health Canada has articulated its clear commitment to *microbial risk assessment (MRA)* as its primary approach (**Health Canada, 2007**). MRA is an internationally-recognized standard in food-related risk assessment (**Codex Alimentarius Commission (CAC), 1999; Miliotis, 2007; Williams et al, 2011**). Now shown to me and attached as Exhibits "P" to "S" to my affidavit are true copies of Health Canada, *Microbial risk assessment section* (2007), online at: <http://www.hc-sc.gc.ca/ahc-asc/branch-dirgen/hpfb-dgpsa/fd-da/bmh-bdm/mras-serm-eng.php> [Accessed April 1, 2013]; Codex Alimentarius Commission, *Principles and guidelines for the conduct of microbiological risk assessment* (1999). Online at: <http://www.codexalimentarius.net/input/download/>

standards/357/CXG_030e.pdf; M. Miliotis, *Role of microbial risk assessment in food safety*. (2007) *SAMJ*, 97, 1211-1214; and M. Williams et al., *D. Framework for microbial food-safety risk assessments amenable to Bayesian modeling*. *Risk Analysis*, (2011), 31, 548-565.

24. As Miliotis (p.11) notes:

risk assessments can be qualitative or quantitative. A qualitative risk assessment is a descriptive form of risk assessment that is frequently applied in microbial risk decision-making if no or insufficient quantitative assessments are available. It provides an estimate of risk in words, such as high, medium or low, and utilizes all relevant data, including numerical data, in obtaining a conclusion. Quantitative risk assessments describe the risk using mathematical modelling techniques, and the estimate of risk is therefore expressed as a mathematical statement such as 'risk per serving'... or as 'risk per annum'.

25. In other words, as Miliotis indicates, and as echoed in a report by the Codex Alimentarius Commission (1999), quantitative risk assessment modeling, when available, represents the most rigorous available method of assessing foodborne risks. Every field of science has particular hierarchies of evidence types that are widely adopted by experts in the field. A type of study known as Quantitative Microbial Risk Assessment (**QMRA**) is widely considered the global standard in the field of microbial risk assessment.

26. QMRA studies are built upon complex, multi-factorial mathematical models that account for multiple factors, from farm to table, to establish the risk per serving, or per consumer, of human illness and adverse health outcomes associated with a specific foodborne pathogen (Codex Alimentarius Commission 1999, Miliotis 2007, Williams et al 2011). Such factors include:

- (a) Pathogen prevalence (how frequently a particular harmful microbe appears in a specific food medium);
- (b) Dose-response (how much of a given pathogen is needed to cause illness);
- (c) The consumer's immunological status;

- (d) Production, storage and transport conditions of the food;
- (e) Possible risk mitigation strategies.

27. Although QMRA studies are widely considered the evidentiary gold standard in food safety assessment, all mathematical models have the potential to include flawed inputs (Jordan et al., 2008). As such, a common practice in reporting QMRA study findings is to corroborate their results with epidemiological outbreak data.
28. As Miliotis further notes (p. 12), microbial risk assessment processes can be “delineated into one of at least four specific types”. These include “risk ranking assessments”, which “compare the relative risk among several hazards [pathogens] or foods”, and may be used to “help establish regulatory programme priorities”; “product pathway analyses” that examine the factors that influence the risk associated with specific food / hazard [pathogens] pairs” from farm to table”; “risk-risk assessments”, which “consider trade-off of one risk for another”; and “geographical risk assessments” which “examine the factors that either limit or allow the risk to occur.”

“Pathogen prevalence studies” and “public health surveillance data” vs QMRA studies

29. Despite Canada’s explicit commitment to microbial risk assessment with regards to food safety, it should be noted that neither QMRA studies, nor risk-ranking assessments (or the other assessment types described in paragraph 28 above) are typically cited by Canadian federal or provincial government and public health agencies when discussing the foodborne risks associated with raw milk. As exemplified in (**Public Health Ontario, 2013**) there is no mention of the ‘risk per serving’ concept, fundamental in the field of microbial risk assessment. Rather, considerable space is devoted to “pathogen prevalence studies” (pp. 14-15) which report the frequency with which a harmful microbe may appear in a given food, and “public health surveillance data” (p. 20) i.e., outbreak data reporting individual incidents of foodborne illness from raw milk. Both of these evidence types have limited value because they do not provide a rigorous characterization

of risk. For instance, pathogen prevalence data – which may be effectively used as a single input in QMRA studies - do not, when examined on their own, take into account the all-important ‘dose-response’ factor (i.e., how many ‘bad bugs’ it takes to sicken a person). Furthermore, public health surveillance data, which represent valuable tools in early-research-stage hazard identification, cannot alone provide an accurate statistical picture of the public health significance of a particular food in causing foodborne illness in a given setting. This insufficiency is due to such factors as under- and/or over-reporting, the possible conflation of suspected vs. confirmed cases, the non-consideration of food production/distribution conditions, and the fact that such data do not usually reflect the fact that different foods are disproportionately consumed across a broader population. Now shown to me and attached as Exhibits “T” to my affidavit is a true copy of Public Health Ontario, PHO technical report, *Update on raw milk consumption and public health* (2013), a scientific review for Ontario public health professionals, Toronto, Ontario Agency for Health Protection and Promotion.

30. To summarize, neither outbreak data reporting individual incidents of foodborne illness, nor pathogen prevalence data describing the frequency with which a harmful microbe may appear in a given food, provide as reliable a picture of the risk per serving, or per consumer, for a given food, as do QMRA studies, particularly when the latter are corroborated with outbreak data. However, when QMRA results are not available, it is not uncommon to rely upon these other types of data. (Codex Alimentarius Commission, 1999) In this light, two questions arise. First: are there recent, peer-reviewed QMRA studies available that may assist in the microbial risk assessment of raw milk with reference to the Canadian context? The answer is yes, as discussed in detail in what follows. And, second: What approach to microbial risk assessment will prove useful in this light? Given the regulatory context of the considerations under evaluation, a risk ranking assessment that situates raw milk’s foodborne risks within the broader context of other risk-bearing foods, is the clearest candidate.

Raw milk vs. cheeses made from raw milk

31. Before taking the first step in reviewing the relevant evidence that pertains to raw milk's microbial risk assessment (hazard identification), two key issues that are commonly raised in discussing raw milk risk warrant brief discussion. These issues are: a) raw milk's risk as compared to raw milk cheese (see paragraph 32 below), and b) raw milk's risk as it compares to pasteurized milk (see paragraphs 33 and 34 below).

32. Scientists who undertake microbial risk assessment in relation to dairy foods will generally agree that raw milk and cheeses made from raw milk are distinct food substrates whose risk profiles should be separately evaluated. Indeed, raw milk undergoes significant microbial transformation in the cheese-making process, which may reduce or increase the potential pathogen load of particular raw cheese products, depending on a range of factors. Furthermore, the risk-per-serving profiles of such cheeses will vary considerably depending on their type (e.g., soft vs. hard cheese), the conditions of their production, and how long they have been aged. This is evident in such QMRA studies as **Bemrah et al., 1998**, and **Sanaa et al., 2004**. In fact, this point is also recognized in Canadian regulations which permit the sale of some raw milk-based cheeses (despite the ban on raw milk sales) (**Health Canada, 2013**). Moreover, the pathogens of primary epidemiological significance in relation to raw milk (i.e., *Campylobacter* spp., Shiga-toxin producing *E. coli*, and *Salmonella* spp.) differ from those typically associated with raw milk cheese (*Listeria monocytogenes*). Therefore, in what follows, I will not address the risk of raw milk cheese as part of the overview of foodborne risks associated with raw fluid milk. I also will draw the reader's attention to certain published studies that contrary to scientific convention erroneously combine and/or conflate the risks associated with raw milk and cheeses made from raw milk. This diminishes the credibility of their scientific conclusions. Now shown to me and attached as Exhibits "U" to "W" to my affidavit are true copies of N. Bemrah et al., *Quantitative risk assessment of human listeriosis from consumption of soft cheese made from raw milk.*, (1998) Preventive Veterinary Medicine, 37, 129-145; M. Sanaa et al., *Risk assessment of listeriosis*

linked to the consumption of two soft cheeses made from raw milk: camembert of Normandy and brie of Meaux (2004). *Risk Analysis*, 24, 389-399; and Health Canada, *Cheese made from unpasteurized milk* (2013) <https://www.canada.ca/en/health-canada/services/milk-infant-formula/raw-or-unpasteurized-milk.html#a2>.

Raw milk vs. pasteurized milk

33. There is a general scientific consensus that raw milk, as a whole, as produced and consumed in industrialized countries, poses a greater risk of foodborne illness per serving than does pasteurized milk. Historically speaking, the purpose of pasteurization, has been to heat milk to a temperature sufficient to destroy living micro-organisms that might produce foodborne illness. Along with other strategies, such as “herd certification programs which included culling of infected animals, [and] the installation of refrigerated bulk tanks for milk collection on farms”, (Claeys et al., 2013, p. 252), pasteurization has been significantly successful in reducing milkborne illness; thus, despite fluid milk’s widespread consumption in several industrialized countries, only a very small percentage of all foodborne outbreaks are today attributed to milk. In other words, pasteurized milk is a food rarely associated with acute foodborne illness. For this reason, there also remains a general scientific consensus that, from the vantage point of foodborne risk, there is a sound basis for government public health recommendations to preferentially choose pasteurized over raw milk. Now shown to me and attached as Exhibit “X” to my affidavit is a true copy of W. L. Claeys et al., *Raw or heated cow milk consumption: review of risks and benefits* (2013), *Food Control*, 31, 251-262.
34. That said, no food – pasteurized or not – will have a zero-risk profile. As (Painter et al., 2013), p. 411 note about pasteurized milk consumption in the U.S. context, “improper pasteurization and incidents of contamination do occur”, at times resulting in foodborne illness. Now shown to me and attached as Exhibit “Y” to my affidavit is a true copy of J. A. Painter et al., *Attribution of foodborne illnesses, hospitalizations and deaths to food commodities by using outbreak data*

(2013), United States, 1998-2008. *Emerg Infect Dis*, 19:3, Online at: <http://dx.doi.org/10.3201/eid1903.111866>.

Studies that conflate risks of raw milk and raw milk products

35. Two recent American studies (**Langer et al, 2012; Costard et al., 2017**) have attempted to estimate the comparative/relative risk of pasteurized vs. raw dairy *products* on the basis of U.S. government epidemiological data. Langer and colleagues estimate that raw milk *products* (fluid milk and cheese) are 150 times more likely than pasteurized milk products (fluid milk and cheese), on a per serving basis, to produce foodborne illness. Costard and colleagues estimate that raw milk and raw milk cheese cause “840 times more illnesses and 45 times more hospitalizations than pasteurized [dairy] products” (2017, p. 957). These studies correctly affirm the widely-accepted scientific point that pasteurization is one effective mitigator of foodborne illness risk in relation to dairy products along with other effective mitigators such as disease management, hygienic production. But, by using pasteurized milk and its products foods very rarely associated with foodborne illness as a baseline statistical comparator, the study authors inappropriately conclude that that raw milk and its products must pose a significant and alarming danger to the consumer. This issue – as demonstrated further on – would have been better evaluated by selecting foods with a higher-than-negligible associated risk of foodborne illness as baseline comparators. Furthermore, in combining outbreak data pertaining to fluid milk and cheese, these studies unscientifically conflate the risk associated with foods with notably different risk profiles (problematic as discussed in #32 above). Now shown to me and attached as Exhibit “Z” to my affidavit is a true copy of J. Langer et al., Nonpasteurized dairy products, disease outbreaks, and state laws -United States, 1993–2006 (2012), *Emerg Infect Dis*, 18, 385-391.

Disproportionate risk of foodborne illness to the consumer?

36. In what follows, I return to the principles and practices of microbial risk assessment to evaluate the initial question I raised: does current evidence of high quality demonstrate that raw milk poses

a disproportionate risk of foodborne illness to the consumer, as compared with other common, legally-available foods that are also occasionally associated with foodborne illness?

“hazard identification” in microbial risk assessment

37. The first step in any microbial risk assessment process involves ‘hazard identification’, that is, the identification of microbes of particular concern in relation to foodborne illness in a particular food type. I will rely on research from across several industrialized countries, as there is little Canada-specific research in this regard. As such, I wish to be clear that I am assuming that data from a range of industrialized countries with respect to raw milk production and risk are a reasonable proxy for Canadian situations.
38. Across the scientific literature, ‘pathogen prevalence’ studies report that several human-pathogenic microbial agents have been isolated from unpasteurized milk samples in industrialized countries. Such studies have included samples of unheated milk destined for pasteurization (Oliver et al., 2005, Oliver et al., 2009, Van Kessel et al., 2011), as well as milk legally produced for human consumption in its unheated (raw) form (Giacometti et al., 2012a, Giacometti et al., 2012b). These pathogens are: *Campylobacter* spp., Shiga-toxin producing *E. coli* (STEC); *Listeria monocytogenes*; *Salmonella* spp., *Staphylococcus aureus*, and *Cryptosporidium parvum*. Now shown to me and attached as Exhibits “AA” to “CC” to my affidavit are true copies of S. P. Oliver et al., *Foodborne pathogens in milk and the dairy farm environment: food safety and public health implications* (2005), *Foodborne Path Dis*, 2, 115-129; S. P. Oliver et al., *Food safety hazards associated with consumption of raw milk* (2009). *Foodborne Path Dis*, 6, 793-806; and J. S Van Kessel et al., *Prevalence of Salmonella enterica, Listeria monocytogenes, and Escherichia coli virulence factors in bulk tank milk and in-line filters from U.S. dairies* (2011). *J Food Prot*, 74, 759-768.

Pathogen prevalence not a reliable indicator of foodborne risk

39. As noted earlier, pathogen prevalence data such as those cited above should not be considered a reliable indicator of foodborne risk. Within the raw milk substrate, for example, a wide range of factors have been scientifically shown to affect the ‘virulence’ of particular pathogens. Virulence refers to the likelihood that a given ‘bad bug’, even if present, may produce disease under particular conditions. In the specific context of raw milk, these factors include:

- (a) Dose-response (i.e., how many microbes are present in the food sample vs. how many are needed to make a person ill) (**US FDA, 2012**);
- (b) Host immunological factors (i.e., young children, pregnant women, the immunologically-compromised, and the elderly may be more susceptible to illness associated with raw milk) (**Latorre et al., 2011**);
- (c) Storage conditions (**Heidinger et al., 2009; Latorre et al., 2011**);
- (d) The mitigating presence of heat-sensitive constituents within raw milk that have *bacteriostatic* (i.e., microbe-detering) and at times *bactericidal* (i.e., microbe-killing) actions. Such mitigating constituents, which are understood to be acting in a synergistic manner known as the ‘hurdle effect’, include the following:
 - (i) Beneficial ‘commensal’ bacteria that act in a competitive exclusionary manner to repel pathogens (**Claeys et al., 2013; Heidinger et al., 2009**);
 - (ii) The ‘lactoperoxidase’ system (**Doyle and Roman, 1982; Gaya et al., 1991; Reiter et al., 1976**);
 - (iii) A range of protective whey proteins such as lactoferrin, immunoglobulin and lysozyme (**Severin and Wenshui, 2005**).

Now shown to me and marked as Exhibits “DD” to “JJ” to my affidavit are US FDA. *Bad bug book: foodborne pathogenic microorganisms and natural toxins handbook* (2012), Online at: <http://www.fda.gov/downloads/Food/FoodSafety/FoodborneIllness/FoodborneIllnessFoodbornePathogensNaturalToxins/BadBugBook/UCM297627.pdf> [Accessed February 25, 2013]; Latorre et al., *Quantitative risk assessment of listeriosis due to consumption of raw milk* (2011), *J Food Prot*, 74, 1268-1281; J. Heidinger et al., *Quantitative microbial risk assessment for S. aureus and Staphylococcus enterotoxin in raw milk* (2009). *J Food Prot*, 88, 1219-1221; M. Doyle et al., *Prevalence and survival of Campylobacter jejuni in unpasteurized milk* (1982). *Appl Env Microbiol*, 44, 1154-1158; P. Gaya et al., *Effect of the lactoperoxidase system on Listeria monocytogenes behavior in raw milk at refrigeration temperatures* (1991). *Appl Env Microbiol*, 57, 3355-3360; B. Reiter et al., *Nonspecific bactericidal activity of the lactoperoxidase-thiocyanate-hydrogen peroxide system of milk against Escherichia coli and some gram-negative pathogens* (1976). *Infect Immun*, 13, 800-807; and S. Severin & X. Wenshui, *Milk biologically active components as nutraceuticals: review* (2005). *Crit Rev Food Sci Nutri*, 45, 645-656.

40. Of the specific pathogens repeatedly isolated in raw milk samples (listed above), three have been repeatedly implicated in foodborne outbreaks involving raw milk in Canada (Public Health Ontario, 2013), the United States (**Langer et al., 2012**) and Europe (**Claeys et al., 2013**). These pathogens are: *Campylobacter* spp., Shiga-toxin-producing *E. coli* (STEC); and *Salmonella* spp. I will, below, report on the specific known risks associated with these particular pathogens both generally, and in relation to unpasteurized milk consumption more specifically.
41. The three aforementioned pathogens are known to most frequently produce gastrointestinal disease of a self-limiting variety in the context of foodborne illness (**US FDA, 2012**). More rarely, each of these pathogens may cause more severe illnesses and hospitalizations. Hospitalization rates among persons afflicted with *Campylobacter*, *Salmonella* and STEC are 17 – 25%, 27% and 13-46% respectively (**Scallan et al., 2011**). Death rates among persons afflicted

with illness associated with each of these pathogens (across all foods) are in all cases below 0.5% (Scallan et al., 2011). Of all of the aforementioned pathogens, STEC represents the greatest threat of severe associated health outcomes, in particular the life-threatening condition known as hemolytic-uremic syndrome (HUS), for which children under five years are understood to be most at risk (Scallan et al., 2011). Now shown to me and attached as Exhibit “KK” to my affidavit is a true copy of E. Scallan et al., *Foodborne illness acquired in the United States – major pathogens (2011). Emerg Infect Dis* 17, 7-15.

42. Claeys et al. (2013) have undertaken a compilation of foodborne outbreaks associated with raw milk consumption in industrialized nations over the previous four decades. Their account does not indicate that any associated deaths have been reported, and, I am unaware of any suspected or confirmed reports of deaths associated with raw milk consumption in industrialized countries in recent decades. There have however been a few confirmed or reported cases of STEC-induced HUS from unpasteurized milk in both Europe (Giacometti et al., 2012b) and North America (Langer et al., 2012) over the same period.

Peer-reviewed QMRA studies of pathogens relevant to raw milk

43. Peer-reviewed QMRA studies have been recently undertaken with respect to some pathogens relevant to raw-milkborne illness. As noted earlier, such studies represent the highest level of credible evidence in the field of microbial risk assessment, especially when corroborated with epidemiological outbreak data.
44. A QMRA study examining the risk of illness from *Staphylococcus aureus* in unpasteurized milk concludes that this pathogen (and the virulent ‘enterotoxin’ it produces) poses very little threat of illness. The study authors write:

Based on the 99.9th percentile cutoff frequently assumed to represent a reasonable risk, raw milk servings do not appear to pose a significant health risk from [Staphylococcus aureus enterotoxin] intoxication. (Heidinger et al., 2009)

45. As Claeys et al. (2013) confirm, there are no cases of human illness from *Staphylococcus aureus* in raw milk reported in the literature. The aforementioned QMRA is thus entirely consistent with international epidemiological outbreak data, and its results credible. It is important to note that *Staphylococcus aureus* is a microbe frequently isolated from unpasteurized milk samples in pathogen prevalence studies (Oliver et al., 2009). But, as Claeys and colleagues explain, the large number of *Staphylococcus aureus* organisms needed to produce a dangerous number of enterotoxins ('dose-response'), and the limiting action of other commensal bacteria in raw milk, appear to be mitigating the organism's potentially harmful impacts. *Staphylococcus aureus* should not be considered a pathogen of significant concern in relation to the consumption of unpasteurized milk.
46. Another recent peer-reviewed QMRA study examines the risk of illness associated with *Listeria monocytogenes* in unpasteurized milk (Latorre et al., 2011). Pathogen prevalence studies (cited earlier) indicate that this pathogen is isolated in unpasteurized milk with approximately the same frequency as *Campylobacter* spp., *Salmonella* spp., and STEC. It should be noted that *Listeria monocytogenes* was the pathogen cited as being of greatest concern by Health Canada when it implemented a federal prohibition on raw milk sales in 1990 (Health Canada, 1991).
47. Latorre and colleagues' QMRA for listeriosis from unpasteurized milk calculates a range of per-serving risks for raw milk consumption, across multiple demographic groups including perinatal and elderly, and across various production types raw milk from on-farm bulk tanks, on-farm stores, and retail settings. The risks per serving calculated across all demographics and production types in this study are within the numeric range of listeriosis risks per serving characterized by the U.S. Food and Drug Administration as 'low risk' (FDA et al., 2003). Now shown to me and marked as Exhibit "LL" to my affidavit is a true copy of FDA/FSIS. *Quantitative assessment of relative risk to public health from foodborne Listeria monocytogenes among selected categories*

of ready-to-eat foods (2003), Online at: <http://www.fda.gov/downloads/food/scienceresearch/researchareas/riskassessmentsafetyassessment/ucm197330.pdf> [Accessed March 1, 2013].

48. Claeys et al. (2013) have indicated that they have located a total of two ‘non-European’ reports of raw milkborne listeriosis worldwide over the past four decades. They attribute the very low epidemiological significance of listeriosis from raw milk to *Listeria*’s high infectious dose (dose-response), and the mitigating impacts of competitive bacteria in raw milk. Corroborated by epidemiological outbreak data, Latorre and colleagues’ QMRA results are thus credible; and establish *Listeria monocytogenes* as having low significance as a potential source of raw milkborne illness.

49. Giacometti has undertaken QMRAs for *Campylobacter* and STEC in relation to the production and consumption of milk procured in its raw state in Italy, published in a single, peer-reviewed article (Giacometti et al., 2012b). She and her team have corroborated the accuracy of their STEC-related results with epidemiological data from their own country, lending credibility to their per serving risk calculations. Their risk calculations for raw milk-induced campylobacteriosis have not been formally corroborated with epidemiological data as the Italian government does not keep the appropriate type of data to permit comparison. However, given that Giacometti and colleagues’ mathematical modelling and input methodologies for the *Campylobacter* QMRA parallel those applied in their STEC QMRA (established to be credible), the *Campylobacter*-related risk calculations may be tentatively taken as credible.

Leafy green vegetables, poultry and beef

50. There are no international standards that qualitatively characterize numeric risks of disease per serving from *Campylobacter* or STEC as low, moderate or high. As such, it is useful to compare risks per serving across foods to get a better sense of their relative risks. I will present Giacometti and colleagues’ QMRA results in comparison with those from QMRAs addressing other foods

known to be frequently associated with foodborne illness. I will draw upon U.S. government data to frame these comparisons.

51. Leafy green vegetables (i.e., salad greens) have been shown to be the food that most frequently produces foodborne illness in the United States, representing 22% of all illness cases over the period 1998 – 2000 (**Painter et al., 2013**). One of the pathogens associated with leafy green vegetable induced illness is STEC. As noted earlier the most significant risk associated with STEC is its potential for causing HUS.
52. Poultry and beef are also reported to produce high numbers of foodborne illness from bacterial pathogens such as campylobacter and STEC in the United States (**Painter et al., 2013**).
53. Because far more people are known to consume leafy green vegetables, poultry and beef than raw milk, the risk per serving concept standard in QMRA studies is useful in providing a comparative picture of the risks associated with each.
54. **Tromp et al. (2010)** have conducted a peer-reviewed QMRA for leafy green vegetables consumed by adults at salad bars. The probable risk of illness from STEC per green leafy vegetable serving calculated in this study was 6 – 28 times higher than that calculated by Giacometti and colleagues for those over age 5 consuming milk that was procured in its raw state. Now shown to me and attached as Exhibit “MM” to my affidavit is a true copy of S. O. Tromp et al., S. O., *Quantitative microbial risk assessment for E. coli 0157, Salmonella enterica, and Listeria monocytogenes in leafy green vegetables consumed at salad bars, based on modeling supply chain logistics* (2010) J Food Prot, 73, 1830-1840.
55. **Cassin et al. (1998)** conducted a QMRA for HUS in young children resulting from STEC-contaminated ground beef hamburger. In order to permit comparison with Giacometti’s STEC-related risk data for children aged 5 or under consuming milk that was procured raw, I have adjusted Giacometti’s data in this regard by a factor of ten to account for the fact that HUS

typically occurs in 10% cases of illness (US FDA, 2012, Cassin et al., 1998). Compared on this basis, these data indicate that young children would be more 7 – 34 times more likely to contract HUS from consuming ground beef hamburger than milk procured raw. Now shown to me and attached as Exhibit “NN” to my affidavit is a true copy of M. H. Cassin et al., *Quantitative risk assessment for Escherichia coli 0157:H7 in ground beef hamburgers* (1998), Int J Food Microbiol, 41.

56. Table I below compares the results of Giacometti and colleagues’ QMRA for raw milkborne campylobacteriosis, as compared with two European QMRAs for home-cooked chicken (Rosenquist et al., 2003; Uyttendaele et al., 2006). The risk range per serving from milk procured in its raw state is reported as considerably lower, by a factor of 57 – 1181, than that for home-cooked chicken. Now shown to me and attached as Exhibits “OO” and “PP” to my affidavit are true copies of H. Rosenquist et al., *Quantitative risk assessment of human campylobacteriosis associated with thermophilic Campylobacter species in chickens* (2003). Int J Food Microbiol, 83, 87-103; and M. Uyttendaele et al., *Quantitative risk assessment of Campylobacter spp. in poultry based meat preparations as one of the factors to support the development of risk-based microbiological criteria in Belguim* (2006). Int J Food Microbiol, 11, 149-163.

TABLE I

Comparative risk per serving figures for milk procured raw vs. home-cooked chicken

Exposure type	Risk per serving	Source QMRA/Location	Comparative risk estimate
Raw milk	$1.23 \times 10^{-6} - 6.64 \times 10^{-7}$	Giacometti et al., 2003, Northern Italy	Baseline data
Home-cooked chicken	6.9×10^{-5}	Rosenquist et al., 2003, Denmark	~57 – 105 x higher than raw milk figures
Home-cooked chicken	7.84×10^{-4}	Uyttendaele et al., 2006, Belgium	~637 – 1181 x higher than raw milk figures

57. The risk per serving of foodborne illness, including severe health outcomes, from campylobacteriosis, STEC and HUS associated with consumption of milk procured in its raw state – while not negligible - is significantly lower than that from other foods commonly implicated in foodborne outbreaks i.e., leafy green vegetables, ground beef hamburger, home-cooked chicken.
58. It should be noted that (**Giacometti, 2012**) note that in Italy, many consumers heat raw milk prior to consumption in order to reduce the possibility of foodborne illness. They used a figure of 57% in their own study based on previous research to represent the proportion of those consuming milk procured in its raw state, who *had* used an ‘effective heat treatment’ prior to consuming the milk. Given that there is no published data that details consumer habits surrounding heat treatment of raw milk in the Canadian or American context, it is difficult to establish whether the Italian figures are directly transferable. However, even if one assumes that 100% of all Canadians who procure milk in its raw state also consume this milk raw, and makes an assumption that this would more than double the potential risk of foodborne illness per serving of such milk as compared to the figures reported in the Giacometti study, the risk per serving of such milk still is significantly lower than that associated with leafy green vegetables, ground beef hamburger and home-cooked chicken.
59. To my knowledge, there is, no peer-reviewed QMRA for salmonellosis from unpasteurized milk. However, epidemiological outbreak data consistently document fewer raw milk related outbreaks from *Salmonella* than from *Campylobacter* (**Langer et al., 2012, Gillespie et al., 2003, Public Health Ontario, 2013, Claeys et al., 2013**). One may assume on this basis that the associated risk per serving may be at least somewhat lower for salmonellosis than campylobacteriosis from raw milk. There is, evidently, a need for additional research in this area.
60. On the basis of the evidence reviewed, which represents to my knowledge the highest standard of microbial risk assessment from a risk ranking perspective, consumption of raw milk does not

pose a disproportionately high risk of foodborne illness as compared with other, common, legally-available foods occasionally associated with foodborne outbreaks.

61. Moreover, as made clear across the QMRAs for unpasteurized milk cited in this affidavit (Latorre et al., 2011, Giacometti et al., 2012b, Heidinger et al., 2009), not all unpasteurized milks present an equal risk of causing foodborne illness or outbreaks. Rather, the production, transport and storage conditions surrounding such milks bear significantly, in statistical terms, on the specific associated risks at play. I will address this point below in the section on risk management, one of the three core prongs in Health Canada's policy framework around risk.

Discussion of Risk Management

62. In a peer-reviewed paper evaluating the risks and benefits of unpasteurized milk consumption, **Baars (2013)** evaluates a range of approaches to risk management for raw milk, with reference to evidentiary support for each. Baars identifies three primary approaches to risk management in this context: 'technological', 'ecological', and 'regulatory'. Below, I review each of these risk management strategies as evaluated by Baars.
63. According to Baars, technological risk management approaches include:
- (a) Milk testing for the presence of 'zoonotic' markers, i.e. for transmissible diseases like tuberculosis, and gastrointestinal pathogenic agents like *Campylobacter*, *Salmonella* and STEC;
 - (b) Milk testing for 'process' markers (e.g., coliform counts) to provide information about the effectiveness of current on-farm hygienic practice;
 - (c) Systematic animal disease testing and culling (e.g., for animals with tuberculosis or brucellosis, and animals that consistently shed pathogenic agents such as STEC);
 - (d) Temperature control (refrigeration) through cooling, storage and transport.

64. Effective ecological approaches to raw milk risk mitigation include:
- (a) Closed herd policies on-farm;
 - (b) Hygienic farming and herd management practices, e.g.:
 - (i) maintaining clean water troughs and bedding;
 - (ii) avoidance of high risk feeds such as distiller grains and ‘concentrates’.
65. Regulatory approaches to risk management typically involve state mandating of both technological and ecological mitigation methods. In this regard, Baars draws specifically on evidence from the German context, where raw milk for human consumption has long been legally available. Production requirements are considerably more stringent than those required for raw milk destined for pasteurization. Requirements for raw milk destined for human consumption include a zero pathogen tolerance approach, that is, one in which the presence of any zoonotic pathogens renders the (frequently-tested) raw milk unsaleable. With reference to fifteen years of German microbial testing data from its raw milk for human consumption program, only a single positive test for STEC was found in milk from certified raw milk producers.
66. In Baars’ evidentiary analysis at his p. 102, a threefold approach to risk mitigation for raw milk destined for human consumption, that includes regulatory, technological and ecological approaches, can reduce the risk of disease from key foodborne hazards to “low” or “negligible”.

Inconsistency and risk associated with a prohibitive regulatory strategy toward raw milk

67. Prohibition of raw milk sales and distribution is another regulatory risk management approach implemented in several Canadian, American and Australian jurisdictions (Ijaz, 2014). Although such prohibitions may deter consumers from accessing raw milk, it is evident that some consumers are likely to seek out sources or produce such milk themselves. The potential risk associated with a prohibitive regulatory strategy pertains to the difficulty in monitoring the safety

of raw milk that is produced without state controls. Attached hereto and marked as Exhibit “QQ” to my affidavit is a true copy of N. Ijaz, *Canada's other illegal white substance: evidence, economics and raw milk policy* (2014). *Health Law Review*, 22 (1):26-39.

68. Within the Canadian context, federal prohibition of direct raw milk sales, and provincial stipulations that further bar distribution of raw milk beyond the farm to the non-farming consumer, represent a unique – and from an evidentiary perspective, inconsistent – policy approach to the prevention of foodborne illness. This regulatory inconsistency is evident in light of raw milk’s lower per-serving risk profile when compared with other common foods that have no such regulatory stipulations surrounding them.

Discussion of Risk Communication

69. Returning to the big picture: the available evidence affirms that consumption of raw milk is riskier, on a per-serving basis, than consumption of pasteurized milk. From a public health perspective, it is scientifically reasonable that physicians and state officials tell Canadians that it is preferable to consume pasteurized milk over raw milk in order to reduce the risk of foodborne illness. That said, on a per-serving basis, the best available microbial risk assessment evidence shows that raw milk has a lower associated risk of foodborne illness than do other common foods, such as leafy green salads, home cooked chicken and ground beef hamburger. As such, raw milk is not a food with a risk profile that is disproportionately higher than other common foods whose access is not restricted in Canada, but rather has a lower risk profile than these common foods.
70. One might argue that unlike the case of milk, in which pasteurized milk may be viewed as a reasonable ersatz for raw milk, there are no such alternative, ‘safer’ options available to replace leafy salad greens, or chicken or ground beef for home cooking. Setting aside such options as food irradiation, an issue beyond this affidavit’s scope, and the evidence of raw milk’s unique health benefits discussed further on, I will point out that there are other foods such as oysters, apple juice and even eggs which, like raw milk, in their raw state are known to harbour a higher

risk per serving than in their cooked or pasteurized state, but which (in their raw state) are not subjected to regulatory prohibitions in the Canadian context as is raw milk.

“Critical discourse analysis” of narratives around scientific evidence on raw milk

71. In this light, it is evident that Canada’s federal and provincial raw milk laws do not represent a consistent approach to public health policy making.
72. For a range of historical, political, and economic reasons in Canada and the United States, raw milk has been subject to a uniquely biased evaluation and policy approach by scientific and state authorities (Ijaz, 2014). Aside from the policy context as already discussed, this treatment can be analysed using a well-established social scientific research method known as ‘critical discourse analysis’, developed by such scholars as Van Dijk ((1993) and Fairclough ((1992, 2009). Critical discourse analysis (a method which I have used in several of my scholarly publications) is concerned with the complex, and often political ways that language is used to reinforce dominant/subordinate power relationships. Now shown to me and attached as Exhibits “RR” to “TT” to my affidavit are true copies of T. Van Dijk, *Principles of critical discourse analysis* (1993). Discourse Society, 4, 249; N. Fairclough, *Discourse and text: linguistic and intertextual analysis within discourse analysis* (1992), Discourse Society, 3, 193; and N. Fairclough, *A dialectical-relational approach to critical discourse analysis in social research* (2009). In: R. Wodak, & M. Meyer, (eds.) *Methods of critical discourse analysis*, Thousand Oaks: CA: Sage.
73. The ‘discourse’ surrounding unpasteurized milk in many peer-reviewed scientific articles and North American government and industry communications, subjects unpasteurized milk to a risk-related standard that is unprecedented for other foods. I present the following passages from Canadian government and industry communications, and peer-reviewed scientific papers, as examples, and then briefly discuss their relevance.

Pasteurization does not affect the quality of nutrients present in milk such as calcium, protein and riboflavin. While some people believe that raw milk offers greater nutritional

value than pasteurized milk, research indicates there is no significant difference but there is overwhelming evidence that drinking raw milk can make you sick. Memo dated November 10, 2015 from David C. Williams, MD, MHSc, FRCPC, Ontario's Acting Chief Medical Officer of Health.

There never was, and cannot be, a safe system for marketing raw milk. Unpasteurized milk has been one of the most dangerous sources of food poisoning since recorded time. Dr. Murray McQuigge, Medical Officer of Health for the Grey Bruce Health Unit during the Walkerton contaminated water crisis, in a 2006 press release from the Dairy Farmers of Ontario. (**Dairy Farmers of Ontario, 2006**)

Consumption of nonpasteurized dairy products cannot be considered safe under any circumstances. (**Langer et al., 2012, p. 390**)

Drinking raw (untreated) milk or eating raw milk products is "like playing Russian roulette with your health." (**J. Sheehan, US Food and Drug Administration, in Bren, 1994, p. 29**)

Consumers can never be assured that certified unpasteurized milk is pathogen-free, even when from a seemingly well-functioning dairy. The only way to prevent unpasteurized milk-associated disease outbreaks is for consumers to refrain from consuming unpasteurized milk. (**Longenberger et al., 2013, p. 3**)

Now shown to me and attached as Exhibits "UU" to "WW" to my affidavit are true copies of Dairy Farmers of Ontario, *Raw Milk Debate is Misleading Consumers and Putting Lives at Risk* (2006), online at: <http://www.milk.org/corporate/pdf/News-Dec0706.pdf>; Bren, L. 1994. *Got milk? make sure it's pasteurized*. FDA Consumer September-October: 29-31; and A. Longenberger et al., *Campylobacter jejuni infections associated with unpasteurized milk - multiple states, 2012* (2013). Clin Infect Dis, DOI: 10.1093/cid/cit231. doi: DOI: 10.1093/cid/cit231.

74. It is self-evident that there is some risk associated with consumption of any food product. The risks associated with consumption of such foods will certainly vary, according to a range of factors discussed earlier on. However, implied in the previous passages is an expectation that *to be safe, unpasteurized milk would need to have a 'zero risk' profile*. There is no food with a zero risk profile. Other foods widely available for human consumption in industrialized countries are not subject to a zero risk expectation either by scientists or by the state. The discursive emphasis on zero risk that is common in scientific accounts pertaining to unpasteurized milk represents in

my assessment a unique, and inconsistent, food safety standard that is not aligned with the principle of evidence-based policy, which is meant to be consistently applied. In contrast to the idea of zero risk, a focus on risk mitigation, and in some cases such as with respect to *Listeria Monocytogenes* in Ready-to-Eat Foods, ‘zero pathogen tolerance’, are typical approaches taken in evaluating other foods for their associated potential pathogenicity.

75. I am aware that it is not the court’s role to make policy. That said, in what follows, I present evidence that the existing regulatory stipulations and communications surrounding raw milk in the Ontario context are not only inconsistent from the vantage point of risk. In addition, these regulations go further and frustrate the consciences of individuals who wish to consume raw milk. My opinion rests upon the ground that the motivations of several of the individuals who need to consume raw milk, are based upon matters of conscience and that their preference to consume raw milk over pasteurized milk, is scientifically substantiated and/or scientifically reasonable, and align with the concept of the precautionary principle. To deny such Canadians of a legal source of raw milk access, within a context where raw milk consumption is not illegal *per se*, denies them the ability to exercise their conscience as it pertains to an important food choice.

Rationale for Raw Milk Consumption

76. To my knowledge, there are no scholarly studies that examine the range of reasons for which Canadian consumers’ may preferentially consume raw milk over pasteurized. In lieu of such studies, I will refer to a considerable body of scholarship that documents the range of reasons why some individuals in industrialized nations, including the United States and United Kingdom, prefer consuming raw over pasteurized milk. These include the following:
- (a) taste (**Headrick et al., 1997; Hegarty et al., 2002; Katafiasz and Bartless, 2012**)
 - (b) convenience and lower cost (among farmers) (**Hegarty et al., 2002, Jayarao et al., 2006, Kaylegian et al., 2008**);

- (c) perceived and evidenced health benefits (**Berg, 2008; Leamy et al., 2014**);
- (d) a preference for ‘natural’, ‘local’, and ‘traditional’ foods (**Enticott, 2003a; Enticott, 2003b, Hegarty et al., 2002**);
- (e) food sovereignty values (**Berg, 2008; Paxson, 2008**); and concerns around the social and environmental impacts of dominant, industrial food production systems (**Berg, 2008; Enticott, 2003a; Kaylegian et al., 2008**).

Now shown to me and marked as Exhibits “XX” to “GGG” to my affidavit are true copies of M. L. Headrick et al., *Profile of raw milk consumers in California* (1997), Public Health Reports 112:418-422; A. R. Katafiasz et al., *Motivation for unpasteurized milk consumption in Michigan, 2011* (2012), Food Protection Trends 32 (3):124-128; B. M. Jayarao et al., *A survey of foodborne pathogens in bulk tank milk and raw milk consumption among farm families in Pennsylvania* (2006), J Dairy Sci 89:2451-2458; K. E. Kaylegian et al., *Raw milk consumption beliefs and practices among New York State dairy producers* (2008). Food Protection Trends 28:184-191; R. Berg, *I just don't want them doing that to my food: the backlash against science and its implications for environmental health* (2008). J Environ Health 71 (4):30-43; H. Paxson, *Post-pasteurian cultures: the microbiopolitics of raw-milk cheese in the United States*. Cult Anthrop, 23, 15-47 (2008); R.J. Leamy et al., *The impact of consumer motivations and sources of information on unpasteurized milk consumption in Vermont, 2013* (2014), Food Protection Trends 34 (4):215-225; Enticott, G. 2003a. *Lay immunology, local foods and rural identity: defending unpasteurized milk in England*. Sociologia Ruralis 43 (4):257-270; Enticott, G. 2003b. *Risking the rural: nature, morality and the consumption of unpasteurized milk*. J Rural Studies 19:411-424; and H. Hegarty et al., *Continued raw milk consumption on farms: why?* (2002) Commun Dis Public Health 5 (2):151-156.

77. Health benefits are among the most frequently cited rationale for raw milk consumption among consumers surveyed in industrialized nations. Therefore, I will focus my comments on these benefits, and position the available scholarly evidence in its broader policy context.
78. As noted by Painter et al. (2013, p. 413) in their peer-reviewed analysis of U.S. foodborne outbreak data: “The risk for foodborne illness is just one part of the risk-benefit equation for foods; other factors, such as the health benefits ... must also be considered.”
79. There is a growing evidence base that demonstrates unique health benefits associated with the consumption of unpasteurized farm milk that are not present with the consumption of pasteurized milk.
80. I do not present this evidence with the aim of contesting the clear value of Canadian public health bodies’ recommendation that Canadians should choose pasteurized milk over unpasteurized, as a safer option in relation to foodborne illness.
81. Instead, in my opinion, the scientific evidence reviewed below supports Canada’s current non-prohibition on the possession or consumption of raw milk. This non-prohibition, as discussed earlier, constitutes the ‘libertarian’ aspect of Canada’s concurrently libertarian-paternalist regulatory approach to raw milk. As the evidence I present makes clear, to permit the law’s reach in this regard to significantly impinge on Canadians’ ability to legally access raw milk for their own consumption, unduly restricts their ability to exercise their freedom of conscience in acting on what is scientifically proven to be uniquely beneficial in relation to raw milk’s known impact on human health.
82. The most substantial body of high quality evidence pertaining to raw milk’s unique health benefits (i.e., those that are not evident in pasteurized milk) relate to its impact on human immunological health.

Evidence of protective effect against childhood asthma and allergy

83. Over the period 2001-2010, considerable evidence (from eight cross-sectional and two cohort studies) amassed to demonstrate that consumption of raw farm milk may exert a considerable protective effect against the development of childhood asthma and allergy (see Braun-Fahrlaender and Von Mutius, 2011). Now shown to me and marked as Exhibit “**HHH**” to my affidavit is a true copy of C. Braun-Fahrlaender and E. Von Mutius, *Can farm milk consumption prevent allergic diseases* (2011). Clin Exp Allergy 41:329-335.
84. Initial critiques of the aforementioned studies were two-fold.
- (a) First, critics suggested that there may have been one or more factors aside from raw milk, from within the farm environment, that may have contributed to the documented beneficial outcomes (**Claeys et al., 2013, MacDonald et al., 2011**). Notably, in three of the ten aforementioned studies (**Barnes et al., 2001, Riedler et al., 2001, Waser et al., 2007**), the benefits of raw farm milk consumption on pediatric allergy and/or asthma development were shown to be *independent of other farm exposures*. However, the described critique remains reasonable in relation to the other seven studies.
- (b) The second major critique of the ten studies under discussion is that they provided no objective confirmation of the ‘raw’ status of the milk consumed in the studies; nor did the studies present biological markers to confirm the reported immunological advantages of raw milk consumption (**MacDonald et al., 2011, Loss et al., 2011**). The basis for this critique is entirely sound, as the studies conducted between 2001 and 2010 on this subject were entirely questionnaire-based.

Now shown to me and attached as Exhibits “**III**” and “**JJJ**” to my affidavit is a true copy of L. MacDonald et al., *A systematic review and meta-analysis of the effects of pasteurization on milk vitamins, and evidence for raw milk consumption and other health-related outcomes* (2011), J

Food Prot 74 (11):1814-1832; and G. Loss et al., *The protective effect of farm milk consumption on childhood asthma and atopy: the GABRIELA study* (2011), *JAllergy Clin Immunol*, 128, 766-773.

85. Loss et al. (2011), widely referred to as the GABRIELA study, provided strong corroboration for the findings from the ten discussed studies, and had none of the shortcomings of the earlier studies. The GABRIELA study, which involved approximately 8000 children aged 6 - 12, found a substantial protective effect (i.e., a reduction by one half) against the development of child asthma and allergy from consumption of raw farm milk. This effect was not evident among children consuming heat-treated farm milk. The protective effect was demonstrated to have been independent of other farm environment exposures. Furthermore, the 'raw' status of the milk used in the study was objectively confirmed via laboratory tests; and blood markers were similarly used to objectively confirm the immunological effects of the raw farm milk intervention being studied (Loss et al., 2011).
86. The specific biological mechanism(s) of action in the well-documented protective effect of raw farm milk against childhood asthma and allergy have not to date been confirmed, a point which does not detract from the protective action itself. Heat-sensitive whey proteins appear to be somehow involved in the asthma- but not the allergy protective effect (Von Mutius, 2012). Now shown to me and marked as Exhibit "KKK" to my affidavit is a true copy of E. Von Mutius, *Maternal farm exposure/ingestion of unpasteurized cow's milk and allergic disease* (2012), *Curr Opin Gastroenterol*, 28, 570-576.
87. The current predominant hypothesis (see Von Neerven et al., 2012) is that no singular 'active ingredient' alone accounts for the documented protective effects. Rather, several nutritional compounds present in raw farm milk (including vitamins, carbohydrates such as lactose and oligosaccharides, fats like omega-3 and conjugated linoleic acid, and whey proteins) appear to be

acting in synergy to produce the beneficial impacts. As (Van Neerven and colleagues 2012), p. 856 indicate:

All factors are needed in concert, and on processing and heat treatment of milk, some of these factors are denatured or depleted or both, thus removing the effects of unprocessed farm milk.

Now shown to me and marked as Exhibit “LLL” to my affidavit is a true copy of R. J. J. Von Neerven et al., *Which factors in raw cow’s milk contribute to protection against allergies?* (2012) *J Allergy Clin Immunol* 130:853-858.

88. This hypothesis aligns considerably with the contemporary nutritional science understanding that individual nutrients act synergistically to produce a cascade of interrelated biological impacts. (A widely-understood lay example of such understanding pertains to the minerals known as calcium and magnesium, known to act synergistically when ingested in appropriate proportions.) The aforementioned ‘whole systems’ understanding of nutritional science has increasingly replaced previous theories in which single isolated nutrients (like ‘magic bullets’) were seen as exerting specific biological effects in isolation (see Walzem et al., 2002). Now shown to me and marked as Exhibit “MMM” to my affidavit is a true copy of R. L. Walzem et al., *Whey components: millennia of evolution create functionalities for mammalian nutrition: what we know and what we may be overlooking* (2002). *Crit Rev Food Sci Nutr* 42.

89. Importantly, and relevant to the current discussion of risk vs. benefit, the GABRIELA study authors write:

The long-term solution to the asthma epidemic is thought to be prevention and not treatment of established disease, and nutritional interventions might represent an interesting avenue. However, on the basis of current knowledge, raw milk consumption cannot be recommended because it might contain pathogens. (Loss et al., 2011, p. 772)

90. The interpretation of this particular passage has in my experience at times proven contentious. To clarify its meaning, on 9 February 2014, I wrote to the primary study author, Dr. Georg Loss. The relevant portion of my (e-mail) letter reads as follows:

I am a Canadian researcher working on issues related to unpasteurized milk. I have read, with interest, your 2011 study in J Allergy Clin Immunology as to the apparent asthma/atopy protective effect of unheated farm milk consumed by children. I wonder if you would be so kind as to clarify your meaning in the following passage [see cited passage above in #89, verbatim]. The term 'recommend' in the cited passage has raised some questions amongst some colleagues, and I would appreciate your clarification.

From this passage, I infer that you are proposing, based on current scholarship, that it is inappropriate (at this point) for public health bodies to recommend raw farm milk as a preventive measure in relation to childhood asthma and allergy based on its potential for causing foodborne illness.

My own understanding of the passage does not, however, suggest that you would recommend that farm families, or others who would specifically seek out raw milk, should be barred access to this milk on the basis of the milk's potential pathogens.

Am I correct in understanding you are referring to a 'public health recommendation' in the cited passage? Perhaps you can clarify this nuance in meaning.

91. Dr. Loss replied to my correspondence by e-mail on 10 February 2014, indicating, verbatim:

Your interpretation is correct. We meant that it is inappropriate for public health bodies and paediatricians to recommend the consumption of raw milk, especially in early life, due to known risks regarding foodborne pathogens.

Early evidence that raw milk during pregnancy may enhance newborns' immunity

92. Some early evidence also exists to suggest that pregnant women who consume raw milk to the exclusion of commercial pasteurized milk during pregnancy may enhance their newborns' immunity, as marked by changes to immunological markers in infants' cord blood. In addition, some studies indicate that infants consuming raw milk before age 1 may enjoy specific immunological advantages (see Loss et al., 2012; Lluís and Schaub, 2012; Von Mutius, 2012). These bodies of evidence are not yet as substantial as those discussed in relation to childhood allergy and asthma; as such they should not yet be considered conclusive but rather preliminary or moderately suggestive. Now shown to me and marked as Exhibit "NNN" to my affidavit is a true copy of A. Lluís and B. Schaub, *Lesson from the farm environment* (2012). *Curr Opin Allergy Clin Immunol* 12 (2):158-163.

Synergistic whole food matrix vs. “magic bullet” approach to nutritional science

93. Each of the indications involving immunological advantages (whether to young children or pregnant women) from the consumption of milk that is not heat-treated would initially appear considerably at odds with nutritional scientific reports that the pasteurization of milk produces few nutritionally-significant changes to the content or bioavailability of key nutrients found in unheated milk (**MacDonald et al., 2011**).
94. However, when milk’s individual nutrients are not seen as singular ‘magic bullets’ but rather as potential contributors to a synergistic whole food matrix (see #86), as is increasingly the conceptual consensus within nutritional science more broadly, the potential for unheated milk to exert considerably different bodily impacts than heat-treated milk becomes significantly more plausible.
95. It is clear that many scientists today contend (**MacDonald et al., 2011; Claeys et al., 2013**) – on the basis of an antiquated ‘magic bullet’ approach to nutritional science – that pasteurized milk is substantially equivalent to unpasteurized milk from a nutritional perspective. It is my expert opinion that this perspective is rapidly becoming outdated, as evidenced by the asthma/allergy-related studies around unpasteurized milk consumption in school aged children.

Unsubstantiated health claims: scientifically disproven vs. scientifically unexamined

96. That having been said, there are several health claims commonly made by raw milk consumers for which there is currently no substantial, supporting scientific evidence of high quality. These include: lactose intolerance, digestive distress, diabetes, arthritis, osteoporosis, autism, and a range of other health conditions. Therefore, public health officials and physicians are responsible to let members of the public know that there is currently no evidence to support the aforementioned health claims.

97. In some cases, such as with respect to lactose intolerance, these claims do indeed appear to be mistaken, or false, given the available scientific evidence.
98. However with respect to some other claims, I would like to emphasize, as a health systems scholar, that the absence of evidence does not necessarily mean that these types of health claims, or ‘anecdotal’ reports made by raw milk consumers, are false or bogus claims.
99. Indeed, with regards to individual consumer claims or ‘anecdotal’ reports of other suggested health benefits associated with raw milk, such as overall digestibility (that is, digestibility unrelated to the carbohydrate known as lactose), there have not yet been formal studies conducted and/or published in peer-reviewed venues that examine the veracity of these claims. I draw attention, in this regard, to the important distinction between scientifically-*unexamined* claims of health benefits associated with raw milk, and scientifically-*disproven* claims of the selfsame health benefits, which are often conflated by those with a vested i.e., political, economic or scientific interest in characterizing raw milk as a food with few or no unique redeeming features.
100. A similar situation surrounds a wide range of TCAM approaches that today are not accepted or well-integrated into conventional Western biomedical (e.g., physician) professional trainings or service delivery models in Canada. TCAM approaches (such as acupuncture, the focus of much of my recent research) are often denigrated in popular, scientific and political discourse – even when there is plentiful evidence of their efficacy. However, generally speaking, the Canadian consumer is free to make her or his own choice of health care approach, so long as no harm to vulnerable parties is evident as a result. Conversely, there are conventional biomedical therapeutic approaches, such as childhood vaccination, for which the preponderance of scientific evidence shows benefits to outweigh risks, and still policy stipulations remain in place in many parts of Canada (including Ontario) to permit the individual to opt out of the therapeutic imperative recommended by physicians and public health agencies.

101. I am aware that there are many raw milk consumers who report that they have experienced a wide range of health benefits from consuming raw milk, that they have not experienced when consuming pasteurized milk. It is my expert stance that such consumer reports would benefit from additional empirical evaluation, using rigorous scientific methodologies, in future.

Precautionary principle with respect to industrially-produced milk

102. Before moving on from the question of raw milk's unique health advantages, it is important to note that such health advantages – whether evidenced or not evidenced - may equally be conceptualized as *disadvantages* associated with the consumption not only of pasteurized milk, but also of industrially-produced milk more generally. There are various vantage points from which this particular issue may be examined using scholarly evidence. The first pertains to processes such as and addition to pasteurization or products that are uniquely added to commercial milk before it reaches the consumer. Conceptually-speaking, I will frame my analysis of these issues using a principle known as the precautionary principle.
103. The precautionary principle is a concept that is in widespread use across the globe by citizens and governments alike to protect people and ecosystems from potential harms that are not yet fully evidenced (Saner, 2010). In Canada, the precautionary principle is entrenched in various laws, including the *Canadian Environmental Protection Act*, 1999 and the *Pest Control Products Act* (Saner, 2010). The essence of the precautionary principle is clearly articulated in s. 20(2) of the *Pest Control Products Act*:

Precautionary Principle

Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent adverse health impact or environmental degradation.

104. In what follows, I use scientific evidence to support my expert opinion that it is reasonable, in light of the available evidence and the precautionary principle, for some raw milk consumers to

seek out sources of fresh farm milk for their and their families' consumption, which has not been subjected to the processes of pasteurization (discussed in detail above), or homogenization, and/or vitamin D fortification (as discussed below).

Homogenization for increased shelf stability

105. Homogenization is an industrial process whereby the visible cream layer that naturally appears at the top of fresh milk is eliminated through a pressurizing process (**Michalski & Januel, 2006**) in which the fat levels are also commonly standardized in commercial milk (**Von Mutius & Vercelli, 2012**). Homogenization is an early 20th century innovation, intended to enhance the production of a standardized commercial fluid milk product with increased shelf stability (**Michalski & Januel, 2006**). The vast majority of Canadian commercial milk currently undergoes homogenization prior to sale, although it is not required by law. Now shown to me and attached as Exhibits “OOO” and “PPP” to my affidavit are true copies of M. C. Michalski and C. Januel, *Does homogenization affect the human health properties of cow's milk* (2016). *Trends Food Sci Technol*, 17, 423-37; and E. Von Mutius and D. Vercelli, *Farm living: effects on childhood asthma and allergy* (2010). *Immunology* 10:861-868.
106. There is little to no evidence to reliably implicate the homogenization of fluid milk in human disease or digestive trouble (**Michalski, 2007**). However, (**Michalski & Januel, 2006**) at p. 424 further observe, of all of the industrial processes that milk commonly undergoes, homogenization “results in the most profound changes in the physical structure of milk and might result in altered health properties”. These include changes to the milk fat globule membrane (**Michalski & Januel, 2006**) and milk protein organization (**Michalski, 2007**). Now shown to me and marked as Exhibit “QQQ” to my affidavit is a true copy of M. C. Michalski, *On the supposed influence of milk homogenization on the risk of CVD, diabetes and allergy* (2007), *Br J Nutr*, 97, 598-610.
107. As Michalski & Januel (**2006**) review, there is scientific evidence that homogenization increases the allergenic potential of milk for animals. Similar evidence does not (yet) exist with respect to

humans; however, prominent immunological researchers have described a detailed mechanism by which changes from homogenization might partly explain the protective effect of raw farm milk against allergy and asthma in young children (**Von Mutius & Vercelli, 2012**). It is my expert opinion that, with reference to the precautionary principle, it is quite reasonable for the consumer to preferentially seek out fluid milk that has not undergone the process of homogenization. The impacts of homogenization on human health are still being actively investigated today, and it is too early in this research process to make any firm conclusions in this regard. As such, there is a scientific basis to support some consumers' precautionary choice to opt out of consuming a food that could conceivably be harmful, particularly when there is a time-tested alternative i.e., non-homogenized milk.

Addition of synthetic Vitamin D-3

108. The addition of synthetic Vitamin D-3, that is, Vitamin D fortification, is a mandatory process that is universally enacted upon fluid milk in Canada before it reaches the consumer (**Calvo et al., 2012**). Fortification of milk with Vitamin D, the so-called 'sunshine vitamin', was initially introduced as a prophylactic remedy for rickets, a bone calcification disorder (**Wjst, 2006**). Today, vitamin D deficiencies are widespread in industrial societies, and are associated with urbanization trends. However, in my expert opinion, current scientific evidence provides a strong basis for a precautionary approach to consumption of Vitamin D-3 fortified milk, particularly for young children. Now shown to me and attached as Exhibits "RRR" and "SSS" to my affidavit are true copies of M. Calvo and S. Whitling, *Survey of current vitamin D food fortification practices in the United States and Canada* (2012), *J Steroid Biochem Mol Biol.*; and M. Wjst, *The vitamin D slant on allergy*. *Pediatr Allergy Immunol*, (2006)17, 477-483.
109. Endogenous D, that is, the vitamin the human body produces when it is exposed to sunlight, may produce effects distinct from synthetic D3 (**Wjst, 2012**). Furthermore, the optimal dosing and timing of synthetic D3 supplementation to achieve a presumed health advantage are to date

scientific questions that have not been resolved (Hollams, 2012; Wjst 2012). There is, in fact, recent evidence (see El Hayek et al., 2013; Maguire et al., 2013) suggesting that milk – including in the Canadian context – may be too heavily fortified with D3, potentially producing harmful effects (including lowered serum ferritin levels, that is, iron levels) among young children. Iron is an important nutrient that plays a key role in children’s growth and development. There is furthermore important research underway examining the possible link between vitamin D supplementation and ‘the allergy pandemic’ (Wjst 2006; Wjst 2012). As such, it is scientifically reasonable that Canadians – in particular parents of young children who ensure that their children receive regular sun exposure through outdoor play – seek out milk that has not been fortified with vitamin D3. In Canada, the only such milk is fresh farm milk, to which only Canadians with cows on their farms are currently able to legally access. Now shown to me and attached as Exhibits “TTT” to “VVV” to my affidavit are true copies of M. Wjst, *Is vitamin D supplementation responsible for the allergy pandemic* (2012). *Curr Opin Allergy Clin Immunol*, 12, 257-262; Hollams, E.M. 2012. *Vitamin D and atopy and asthma phenotypes in children*, *Curr Opin Allergy Clin Immunol* 12:228-234; and J. L. Maguire et al., *The relationship between cow's milk and stores of vitamin D and iron in early childhood* (2012). *Pediatrics* 131:e144-e151.

No scientific consensus as to health risks and benefits of raw milk consumption

110. There is, it is clear, no scientific consensus as to the health risks and benefits associated with raw milk consumption in the industrialized world. Although a preponderance of evidence does indeed point to pasteurized milk, as a whole, being safer in terms of foodborne illness risk than raw milk on the whole, there is also evidence that there are ways of producing raw milk that render its associated foodborne risks low or negligible. Moreover, while some evidence suggests that raw and pasteurized milk are nutritionally similar, other evidence of high quality shows important health advantages for consumers of raw milk – in particular children. Furthermore, fresh farm milk – despite its potential associated risks – is not subject to industrial processing, such as

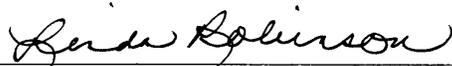
pasteurization, homogenization and vitamin D fortification, for which evidence of advantages vs. disadvantages remains controversial or understudied.

111. Returning to the broader context of the evidence examined in this affidavit, questions around freedom of conscience invariably arise. Should Ontarians who do not live on farms and raise their own dairying animals, have the right to legally access raw milk, a non-prohibited substance, in the province, as do Ontario dairy farmers, on the basis that industrially-produced milk does not meet their conscientiously-held standards of what constitutes safe and health-promoting food? Any answer to this complex question will depend on definitions of what constitutes freedom of conscience, how it may be expressed, and if and/or why it is important. These are contested issues extensively debated in the sociolegal literature.
112. (**Lenta 2016, p. 247**) argues that freedom of conscience permits “people to live in line with their perceived moral duties” and thus protects “individuals’ integrity”. Domingo (**2015, p. 176**) similarly asserts that “freedom of conscience is required for the human person as a moral being”, in order to preserve her or his fundamental dignity. (**Murphy and Genuis 2013, p. 348**) note: “It is generally agreed that freedom of conscience can be exercised in two different but complementary ways. One may avoid doing what is apparently evil or engage in doing what is apparently good; some decisions involve both elements.” Now shown to me and attached as Exhibits “**WWW**” to “**YYY**” to my affidavit are true copies of P. Lenta, *Freedom of conscience and the value of personal integrity* (2016), *Ratio Juris*, 29, 246-263; R. Domingo, *Restoring freedom of conscience* (2015), *Journal of Law and Religion*, 30, 176-193; S. Murphy and S. Genuis, *Freedom of conscience in health care: Distinctions and limits* (2013). *Bioethical inquiry*, 10, 347-354.
113. Leiter (**2013, p. 94**) notes that “claims of conscience present hard evidential issues for courts”, raising fundamental epistemic questions about what constitutes a reasonable conscientious claim. How indeed may some claims be constituted as reasonable, without producing a “legalization of

anarchy” (Leiter, 2013, p. 94), in a pluralistic society characterized by a diversity of views and beliefs? Now shown to me and attached as Exhibit “ZZZ” to my affidavit is a true copy of B. Leiter, *Why tolerate religion* (2012), Princeton, NJ: Princeton University Press.

114. Part of what constitutes freedom of conscience in a pluralistic, democratic society is the ability to hold a range of views, and to act in line with one’s conscience on these views, provided that one does not harm others. This affidavit uses up-to-date scientific evidence surrounding risks and benefits as one key measure of how reasonable a particular claim of conscience may be considered to be. The risks of raw milk consumption may indeed be higher for immunologically vulnerable populations such as children, who are not typically in a position to make their own food choices. However, the evidenced and possible risks associated with consuming industrially-produced (pasteurized, homogenized, vitamin D fortified) milk rather than raw milk also impact children disproportionately. As noted earlier, there are no laws to limit Canadian parents’ access to such risk- and benefit-bearing foods as salad greens and home-cooked meats – it would be unconscionable to do so. Many raw milk consumers, as the academic literature on this subject shows, are choosing raw milk as a matter of conscience over pasteurized milk for health related reasons – and although they may not be supported by a majority of scientists on this choice, these choices are also not unsubstantiated from a scientific point of view. It is egregious, that is, it overextends the paternalistic reach of a federal law designed to show a balance between the principles of libertarianism and paternalism, to stop Canadians from accessing raw milk – a food that remains legal to possess and consume.

SWORN before me at the City of Hamilton,
in the Province of Ontario, this 18th day of
April, 2018.



Commissioner for Taking Affidavits
(or as may be)

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.



NADINE IJAZ

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
TORONTO

AFFIDAVIT

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Tel: 416-865-2962
Fax: 416-865-6636

Counsel for the Applicants

This is Exhibit "A" referred to in the Affidavit of Nadine Ijaz sworn
April 7, 2018

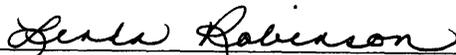


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April 18, 2018



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April 18, 2018

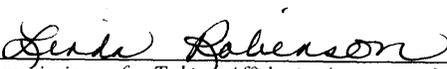


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April 18, 2018

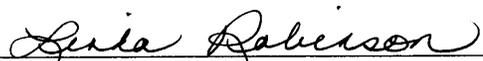


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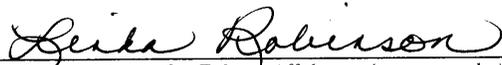
A handwritten signature in cursive script, reading "Linda Dianne Robinson".

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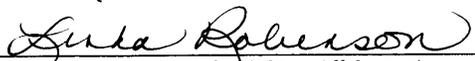


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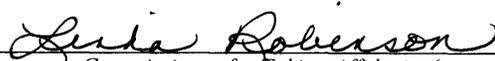


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April/8, 2018

A handwritten signature in cursive script that reads "Linda Robinson". The signature is written in black ink and is positioned above a horizontal line.

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April/8 , 2018

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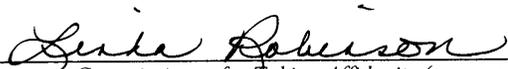
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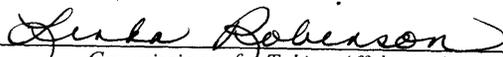
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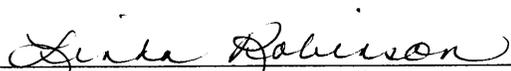


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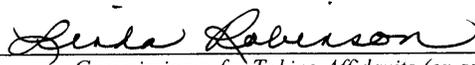
A handwritten signature in cursive script that reads "Linda Robinson". The signature is written in black ink and is positioned above a horizontal line.

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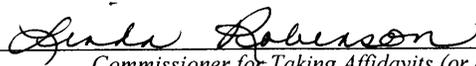
A handwritten signature in cursive script, reading "Linda Dianne Robinson".

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April 18, 2018

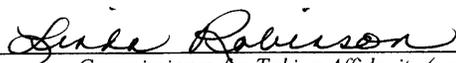


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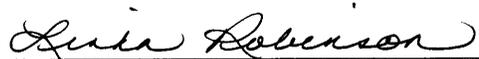


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Province of Ontario, for Gardiner Roberts LLP, Lawyers.
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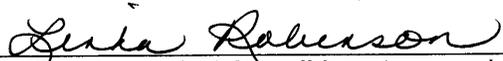


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Linda Dianne Robinson, a Commissioner, etc.
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.

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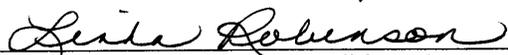


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Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.

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Linda Dianne Robinson, a Commissioner, c/o
Province of Ontario, for Gardiner Roberts LLP, Lawyers
Expires August 17, 2018.

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April 18, 2018



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Province of Ontario, for Gardiner Roberts LLP, Lawyers
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This is Exhibit "JJ" referred to in the Affidavit of Nadine Ijaz sworn
April /8, 2018



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Province of Ontario, for Gardiner Roberts LLP, Lawyers
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sworn April /8, 2018

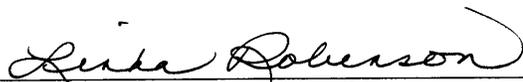


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Province of Ontario, for Gardiner Roberts LLP, Lawyers
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Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.

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This is Exhibit "MM" referred to in the Affidavit of Nadine Ijaz
sworn April 18, 2018

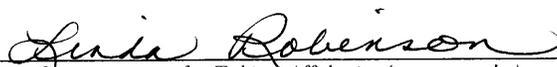


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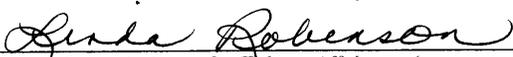
This is Exhibit "NN" referred to in the Affidavit of Nadine Ijaz
sworn April 18, 2018


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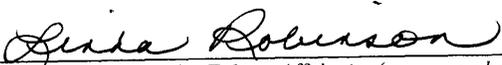


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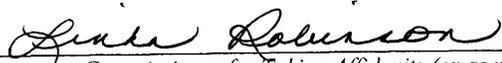


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This is Exhibit "SS" referred to in the Affidavit of Nadine Ijaz
sworn April 8, 2018

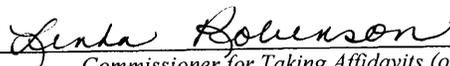


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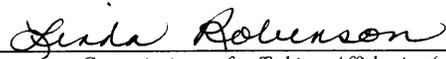


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sworn April 18, 2018

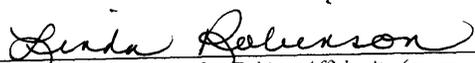


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This is Exhibit "XX" referred to in the Affidavit of Nadine Ijaz
sworn April , 2018



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This is Exhibit "ZZ" referred to in the Affidavit of Nadine Ijaz
sworn April /8, 2018



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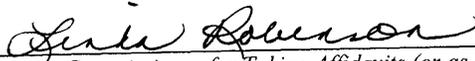


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Expires August 17, 2018.**

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This is Exhibit "CCC" referred to in the Affidavit of Nadine Ijaz
sworn April /8 , 2018

A handwritten signature in cursive script, reading "Linda Robinson", positioned above a horizontal line.

Commissioner for Taking Affidavits (or as may be)

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.

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This is Exhibit "DDD" referred to in the Affidavit of Nadine Ijaz
sworn April 18, 2018

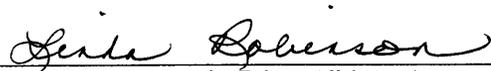


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sworn April 18, 2018

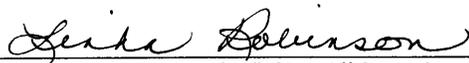


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Expires August 17, 2018.**

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sworn April 18, 2018

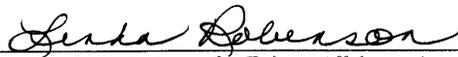


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This is Exhibit "III" referred to in the Affidavit of Nadine Ijaz sworn
April 18, 2018



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Province of Ontario, for Gardiner Roberts LLP, Lawyers.
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This is Exhibit "KKK" referred to in the Affidavit of Nadine Ijaz
sworn April 18, 2018

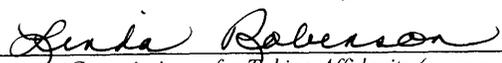
A handwritten signature in cursive script, reading "Linda Dianne Robinson".

Commissioner for Taking Affidavits (or as may be)

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.

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This is Exhibit "LLL" referred to in the Affidavit of Nadine Ijaz
sworn April 18, 2018

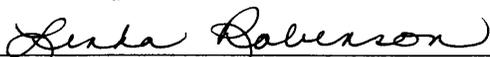


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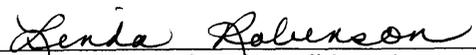


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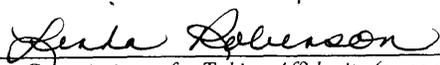


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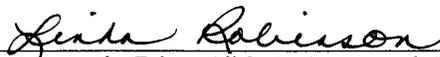


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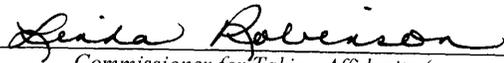
A handwritten signature in cursive script, reading "Linda Dianne Robinson".

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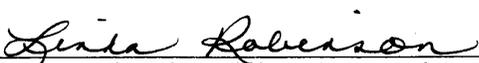


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**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**James Lansing Affleck, John Baak, Eric Bryant,
Carol Celenza, Sanda Draga, Werner Fabian, Karen Fliess,
Merle Gould, Maria Helms, Allyson McMullen, Liliana Miculescu,
Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg,
Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalecc**

Applicants

- and -

**The Attorney General of Ontario and the
Attorney General of Canada**

Respondents

AFFIDAVIT OF DR. TON BAARS

I, Ton Baars, of the Town of Witzenhausen, in the State of Hesse, in the federal republic of Germany, science researcher and scholar, affirm and say as follows:

1. I have a personal knowledge of all matters I depose to, except where I refer to studies whose findings and conclusions I believe to be sound and true. I consider all studies I refer to in this affidavit as authoritative and believe that all of my scientific colleagues regard them as authoritative as well.

2. I have been asked, as an expert, to submit an affidavit that describes and comments upon the latest research insights respecting the hazards and health benefits of raw milk and raw milk products (**raw milk**).
3. I have read Rule 4.1.01(1) of the Ontario *Rules of Civil Procedure* and consider it my duty and undertake to:
 - (a) provide opinion evidence that is fair, objective and non-partisan;
 - (b) provide opinion evidence that is related only to matters that are within my area of expertise; and
 - (c) provide such additional assistance as the Court may reasonably require to determine the matters in issue.

Qualifications

4. I was born in the Netherlands and graduated with a Master of Science degree in ecology from Utrecht University in the Netherlands in 1985. I obtained my PhD in the field of grassland ecology and social science at Wageningen University in the Netherlands in 2002. I was the first (endowed) chair for biodynamic agriculture at the University of Kassel in the State of Hessen in Germany from 2005-2011 and while there, earned the honorific of “Professor”. At the University of Kassel, I supervised two PhD studies on milk quality, dealing with the topics related to this affidavit. Now shown to me and marked as Exhibits “**A**” and “**B**” to this affidavit are true copies of Wohlers J. (2011), *Ermittlung geeigneter Methoden zur Differenzierung und Qualitätsbeurteilung unterschiedlicher Milchqualitäten aus verschiedenen on-farm-Experimenten (Methodenvergleich)*; Dissertation Universität Kassel, FB11, Witzenhausen (“**Wohlers**,

2011”) and Kusche, D. (2015), *Untersuchungen zu Qualität und Verträglichkeit Ökologischer Milch - Differenzierbarkeit biologisch-dynamischer und konventioneller Milchqualität auf Betriebsebene anhand analytischer Qualitätsparameter und unter Einbezug von Verträglichkeitstestungen bei Kindern mit Nahrungsmittelallergien*; PhD Thesis, University of Kassel (“**Kusche, 2015**”).

5. For the past ten years, my research interests have been related to milk quality differentiation and raw milk as it relates to health. Currently, I work as a senior scientist for milk quality and animal welfare for the Research Institute of Organic Agriculture (**FiBL**) in Frick, Switzerland. FiBL is an independent, non-profit research institute whose aim is to advance science in the field of organic agriculture. Since 2015, I have also cooperated with the medical faculty of Utrecht University on food allergy and asthma in relation to milk processing, milk origins, and milk products.

6. I have published several peer reviewed articles on milk quality and human health, milk’s fatty acid composition and methodologies to distinguish between different milk origins. In 2011, I organized the first scientific raw milk conference in Prague, Czech Republic. At this conference, researchers and practitioners from different disciplines addressed the topic, “raw milk: health or hazard”. For this conference, I wrote a position paper on this issue. Now shown to me and marked as Exhibits “**C**”, “**D**” and “**E**” to this affidavit are true copies of Kusche, D., Kuhnt, K., Ruebesam, K., Rohrer, C., Nierop, A.F., Jahreis, G. & Baars, T. (2014), “Fatty acid profiles and antioxidants of organic and conventional milk from low- and high-input systems during outdoor period”, *J Sci Food Agric.* Feb;95(3), p. 529-539; Baars T. (ed.) (2011), “Summaries of oral presentations of the First International Raw Milk Conference ‘raw milk, health or hazard’?”, Prague, May

2011; and, Baars T. (2013), "Milk Consumption, Raw and General, in the Discussion on Health or Hazard", J. Nutr. Ecol. and Food Res. 08/2013; 1(2):91-107.

7. Due to my professional status as a raw milk researcher and my competence in this field, I was asked to join the Board of Directors of the Raw Milk Institute (**RAWMI**) in California as an honorary member, a position that I still hold. RAWMI's mission involves "improv[ing] the safety and quality of raw milk and raw milk products through training and mentoring farmers, establishing raw milk guidelines, improving raw milk accessibility and production transparency, and education, outreach and research." In accomplishing this mission, RAWMI acts as an independent, objective third party. It provides, on its website, the names of certified farmers who comply with stringent biosecurity and hygiene guidelines and ensures transparency by publishing data on milk quality and hygiene/safety of raw milk produced.
8. Due to my professional status as a raw milk researcher and my research work, I was appointed as honorary scientific advisor of the German Federal Association of Vorzugsmilch Producers, which is a position I still currently hold.
9. I am a frequent speaker on the topic of "raw milk, health or hazard". I have spoken on this topic at conferences of the Weston A. Price Foundation in the United Kingdom, Ireland and the United States as well as of the Slow Food Foundation. I have also spoken at conferences of handcraft cheese makers in Norway, Germany, Denmark, Sweden, Switzerland and Poland. Due to my expertise in the topic of raw milk, I was asked to present on the issue at the 10th zoonotic symposium of the Netherlands National Institute for Public Health and the Environment held at Bilthoven, The Netherlands, in November,

2016. This Dutch research institute is an independent agency of the Dutch Ministry of Health, Welfare and Sport. Over one hundred scientists, medical doctors and veterinarians were present at this 10th zoonotic symposium.

10. I am a writer and contributor for popular farmer's journals in the Netherlands, Germany and Switzerland. In 2017, I submitted two book chapters for a book on raw milk. The first was on the history of raw milk sales, and the second about immunological aspects of raw milk consumption. I am the owner of a scientific website "milkandhealth.com" that aims to provide information to the public about all aspects of raw milk production and consumption. Now shown to me and marked as Exhibits "F" and "G" to this affidavit are true copies of the two chapters referred to above, Baars T, (2017, in prep-1), "Immunological challenges related to raw milk" in Nero L.A. and De Carvalho A.F. (eds), *Raw Milk: Balance Between Hazards and Benefits*, Elsevier publishers; and, Baars T, (2017 in prep-2) "Production systems in dairy farms" in Nero L.A. and De Carvalho A.F. (eds), *Raw Milk: Balance Between Hazards and Benefits*, Elsevier publishers.

Issue Identification

11. The European Food Safety Authority (EFSA) document on risk related issues from raw milk (EFSA, 2015) differentiates between intrinsic and extrinsic contaminations of raw milk that can create a hazard. Intrinsic contamination can arise through cow related diseases and infections. Extrinsic contamination is related to the hygiene of the farm environment and arises mainly from fecal contamination and unclean milk equipment. Now shown to me and marked as Exhibit "H" to this affidavit is a true copy of extracts from EFSA, 2015 on risk related issues from raw milk.

12. EFSA, 2015 and other EFSA statements on the risks of raw milk consumption and similar publications of other governments do not differentiate raw milk quality, raw milk origin, the purpose of the milk's production or what kind of raw milk is being produced.
13. In my opinion, the risk evaluation of raw milk consumption should be done based on an improved definition of raw milk, which in turn is based on distinguishing between the types of raw milk. Risk evaluations should be based upon quantitative risk assessment rather than on evaluations of outbreaks. In general, no differentiation is made between types of raw milk, milk is milk. For example, under Regulation (EC) No. 853/2004 of the European Parliament and of the Council, April 29, 2004, that deals with hygiene rules for foodstuffs, it is necessary to label any raw milk intended for direct human consumption, whether it will be pasteurized or not, with the words "raw milk". Now shown to me and marked as Exhibit "I" to this affidavit is a true copy of Regulation (EC) No. 853/2004 of the European Parliament and of the Council, April 29, 2004, dealing with hygiene rules for foodstuffs.
14. The problem, however, is that that there are two types of raw milk. Pre-pasteurized raw milk is produced with the knowledge that the milk will be, and will need to be, heat treated during processing. This applies to most raw milk, because most raw milk produced nowadays is unsafe for direct consumption and therefor its hygienic quality is controlled through heat-treatment. On the other hand, fresh unprocessed raw milk intended for direct consumption is produced intentionally to be consumed unpasteurized. Farmers producing this quality of raw milk have the knowledge of how to improve the hygienic milk quality and reduce its zoonotic risk. For the risk evaluation of raw milk consumption, it is necessary to distinguish between these two types of raw milk.

Raw Milk: Health or Hazard

15. I am advised that one of the factual issues in the present Application is the dispute over the potential negative and positive effects of raw milk, and whether raw milk is hazardous or has health benefits. In discussing this issue, it is necessary to be aware of the ways and practices of raw milk production and handling. This knowledge is key to knowing how to reduce the societal risks of raw milk and to understanding its positive health effects. In this affidavit, I will therefore describe what is known about the German Vorzugsmilch, which is certified Grade-A raw milk approved for direct consumption. This legal fresh unprocessed raw milk has been legally sold in shops since the 1930s. I will then compare it to the consumption of general raw milk.

i. Risk Reduction In Controlled Raw Milk Production In Germany

16. Germany has had a federal regulation for raw milk consumption for many years. Vorzugsmilch is the only legal farm milk that may be sold without the warning that states “heat-treat prior to consumption”. Vorzugsmilch is raw milk produced under stringent requirements for hygiene, bacterial composition, packaging and transport. It may be marketed only by approved farms, must be stored at no more than 4°C, and sold no later than 96 hours after milking.
17. The health of the staff and the animals of farms that produce Vorzugsmilch are monitored by the Veterinary Service of the German state where the Vorzugsmilch is produced. The Veterinary Service enforces the Vorzugsmilch regulation by monthly farm visits to inspect hygiene and animal health, sample milk and sample for mastitis of every animal in the herd. The raw milk is controlled for:

- (a) fraud: the enzyme phosphatase must still be active;
 - (b) handling and processing: the temperature should be below 4°C and the pH should be normal;
 - (c) hygienic parameters: total aerobic bacteria (limit: 20,000 CFU/ml) and Enterobacteriaceae (limit: 10 CFU/ml);
 - (d) udder health: somatic cell count (limit: 200,000 cells/ml), gram-positive *Staphylococci* or *Staphylococcus aureus* (limit: 10 CFU/ml), eventually other mastitis bacteria;
 - (e) zoonotic bacteria: *Salmonella enteric spp.*, *Campylobacter spp.*, *Listeria monocytogenes* and verotoxin/shigatoxin producing *Escherichia coli* (*VTEC/STEC* or *EHEC*). The limit for zoonotic bacteria acceptance is zero.
Depending on the local situation the Veterinary Service can decide to control for additional zoonosis.
18. Due to this monthly control, the risk of becoming infected from Vorzugsmilch is low. This can be verified by reference to the epidemiological yearbooks of reportable infectious diseases, summarized by the Robert Koch Institute (**RKI**) for 2010-2015. The RKI is the German federal government's central scientific institution of biomedicine. Although the potential danger of any raw milk consumption is mentioned in the yearbooks, there are no cases of illness based on Vorzugsmilch.

ii. General Raw Milk vs. Vorzugsmilch

19. I will refer to data from two studies on the results of microbiological milk safety of “general raw milk” compared to Vorzugsmilch. The first data are from a PhD study

conducted by C. Coenen in 2000. The second set of data are from my own analysis of official data from the Bundesanstalt für Riskobewertung, or Federal Institute for Risk Assessment (**BfR**) in Berlin. Now shown to me and marked as Exhibit “J” is a true copy of Coenen, C. (2000). *Untersuchungen zum Vorkommen und zur Risikoeinschätzung pathogener Keime in Rohmilch und Rohmilchprodukten aus der Direktvermarktung*. Dissertation Berlin, Fakultät Veterinärmedizin an der Freien Universität Berlin (**Coenen, 2000**).

20. In Coenen, 2000 it was shown that in all but one item, Vorzugsmilch has a better result compared to general raw milk, as Table 1 below demonstrates.

Table 1: Comparison of Microbiological Results of Milk Samples from General Raw Milk (“Raw”) and Vorzugsmilch (“VZM”)

	Raw	VZM
Farms sampled (N)	115	35
Milk samples (N)	149	74
<i>Listeria monocytogenes</i> /ml	10,1	16,2 *
<i>Bacillus cereus</i> /ml	8,1	0,0
<i>E coli</i> /VTEC/ml	0,7	0,0
<i>Salmonella spp.</i> /25 ml	0,0	0,0
<i>Campylobacter spp.</i> /ml	0,0	0,0
Total aerobic bacteria x 1,000 /ml	49	8.7
somatic cell counts x 1,000 /ml	190	160
<i>E. coli</i> /ml	1.1	0.08
Coliform /ml	110	10

* All positive samples were found in one single farm.

21. In the second data set, data from the past eleven years are presented. The data shows the zoonotic risks of milk produced in Germany based on the yearly prevalence of bacteria in milk samples taken by the BfR. These data indicate strongly that Vorzugsmilch shows

less zoonotic risk than general bulk milk and other raw milk samples intended for pasteurization. In Table 2 below, the prevalence of contaminated milk samples is presented based on the origin of the milk.

Table 2: Regular milk samples (2004-2015) taken by BfR; sampled in 4 milk types (VZM=Vorzugsmilch; Farm=single farm milk; Bulk=other bulk milk samples raw milk; Past=Pasteurized milk); total number of samples (N) and percentage of positive samples

Species of bacteria	Milk type	Number of milk samples (N)	Number of positive samples (N)	Percentage of positive samples (%)
Salmonella	VZM	1808	0	0,00
Salmonella	Farm	732	0	0,00
Salmonella	Bulk	4426	1	0,02
Salmonella	Past	8694	1	0,01
Campylobacter jejuni	VZM	1506	7	0,46
Campylobacter jejuni	Farm	1063	9	0,85
Campylobacter jejuni	Bulk	3550	33	0,93
Campylobacter jejuni	Past	71	0	0,00
E.coli, VTEC	VZM	1361	14	1,03
E.coli, VTEC	Farm	1088	25	2,30
E.coli, VTEC	Bulk	3362	114	3,39
E.coli, VTEC	Past	160	3	1,88
Listeria monocytogenes	VZM	1720	15	0,87
Listeria monocytogenes	Farm	739	26	3,52
Listeria monocytogenes	Bulk	3349	78	2,33
Listeria monocytogenes	Past	6094	2	0,03
Yersina enterocolitica	VZM	642	7	1,09
Yersina enterocolitica	Farm	144	9	6,25
Yersina enterocolitica	Bulk	64	5	7,81
Yersina enterocolitica	Past	No data		
Methicillin RSA	VZM	316	7	2,22
Methicillin RSA	Farm	326	15	4,60
Methicillin RSA	Bulk	229	17	7,42
Methicillin RSA	Past	No data		
Mycobacteria	VZM	32	0	0,00
Brucella spec	VZM	80	0	0,00
Brucella spec	Bulk	50738	1	0,00

22. These data show that a farmer's approach towards raw milk safety and zoonotic reduction had a positive effect on the quality of the raw milk. The number of samples with too-high levels of zoonotic bacteria were found in 'bulk raw milk' and 'farm milk', while Vorzugsmilch-samples showed a steep reduction. The samples of Vorzugsmilch were very similar to the samples of pasteurized milk, showing that hygiene management at Vorzugsmilch farms reaches a zoonotic risk level comparable to pasteurized milk. Further it is important to realise that, if a positive sample is detected in Vorzugsmilch, the farmer is not allowed to sell any raw milk until he can show in the next weeks, that his milk reaches the safety standards again. The Vorzugsmilch standards are a good guide for how to organise repeated milk sampling.
23. On April 13, 2016, BfR published a leaflet containing "questions and answers on raw milk consumption". The leaflet starts with: "Is Vorzugsmilch Safe? BfR answers this question (my translation): "*Vorzugsmilch is packaged raw milk from specially controlled milk retailers. There are strict rules for Vorzugsmilch production and treatment as well as microbiological checks of the milk. The packaging shall be marked with the word 'raw milk'*", however, no mention is made that milk should be boiled before consumption. The leaflet continues (my translation): "*Despite strict controls and compliance with microbiological criteria, it cannot be ruled out, that even Vorzugsmilch may contain pathogens that are responsible for food-borne infections. It is to be assumed that the probability of a food related infection by Vorzugsmilch in contrast to raw milk from conventional farms is reduced.*"
24. A study by Claeys et al. in 2013 concludes that over the last decades, no confirmed deaths cases could be associated with the consumption of general raw milk in Western

countries. Now shown to me and marked as Exhibit “K” to this affidavit is a true copy of Claeys, W.L., Cardoen, S., Daube, G., De Block, J., Dewettinck, K., Dierick, K., De Zutter, L., Huyghebaert, A., Imberechts, H., Thiange, P., Vandenplas, Y. & Herman, L. (2013), “Raw or heated cow milk consumption: Review of risks and benefits”, Food Contr. 31, p. 251–262.

Glencolton Farms

25. In the summer of 2016, I visited Canada and Glencolton Farms. I spoke in detail with the farmers, Michael Schmidt and the Applicant Elisa Vander Hout, and inspected their raw milk production operation in great detail. This raw milk production operation is fully and accurately described in the Affidavit of Elisa Vander Hout sworn March 21, 2018.
26. In my opinion, the raw milk produced at Glencolton Farms is of Vorzugsmilch quality. It is further my opinion that hygiene, animal health, milk samples and tests of the animals in the closed herd would easily meet all warning values of the German state veterinary services for Vorzugsmilch. In my opinion, the zoonotic risk of raw milk from Glencolton Farms is low to non-existent.

Origin of the Raw Milk Concern

27. The concern about safe raw milk for children began around the end of the 19th Century and initiatives were taken in all parts of the world. The main zoonotic issue for health caretakers then was the presence of tuberculosis in cows. To tackle the problem, raw milk production and animal health was controlled and in 1920, researchers at Reading University (UK) summarized the experiences of raw milk production in a five-point scheme to maintain a safe milk quality as told by Atkins, 2010:

- (a) Milk should be cooled within three hours of milking;
- (b) The prevention of dust, hairs, etc. to fall into the open milk buckets;
- (c) Sterilization of milking equipment (dairy utensils);
- (d) Attention to the cleanness of the cows, eventually washing the udder before starting milking; and
- (e) Training, motivation and education of the staff involved into the milking process.

Now shown to me and marked as Exhibit “L” to this affidavit is a true copy of Atkins P. (2010), “Dirty milk and the ontology of ‘clean’” in: Atkins P. (2010), *Liquid materialities, a history of milk, science and the law*, Routledge: Ashgate Publishing Limited.

28. The main focus was to get “clean and guaranteed milk”, as parents wanted to get rid of impure milk and were looking for pathogen-free milk for their children. Their approach for increased safety was not materially different from the standards for safe raw milk production today, described by the German Federal Association of Vorzugsmilch Producers, the RAWMI, and the standard employed at Glencolton Farms. Due to the change from the old way of milking into open buckets under cows with swishing dirty tails to closed milking systems, and due to the cooling systems at farms nowadays, the hygienic and zoonotic quality of raw milk has been improved enormously.

Health Benefits of Raw Milk

29. Within the scientific community, there is a granular debate about the health benefits of raw milk. Raw milk has been found to be a single protective factor for asthma, allergies, hay fever, and even middle ear infections. A large number of epidemiological studies

across the world shows a reduction of disease if raw milk is consumed from an early age and onwards (see, for example, Braun-Fahrlander et al, 2011. Now shown to me and marked as Exhibit “M” to this affidavit is a true copy of Braun-Fahrlander, C. & Von Mutius, E. (2011), “Can farm milk consumption prevent allergic diseases?”, *Clin Exp Allergy*. Jan;41(1), p. 29-35.

30. It is important to note that the effects of raw milk intake are found not only in farm children who have well documented immunities not shared by non-farm children. There is also an independent immunological effect of raw milk on non-farm children, as identified by Perkin and Strachan, 2006. Further, at the moment that milk gets “cooked”, its protective effects are gone. As Loss et al., 2011 found, even in a group of farm children living with dairy animals, allergies, atopy and asthma increased after they consumed their own farm milk in boiled form. This was confirmed in murine models for cow milk allergy in a study by Abbring et al., 2016 and for asthma in Abbring et al., 2017. Now shown to me and marked as Exhibits “N” and “O” to this affidavit are true copies of Perkin, M.R. & Strachan, D.P. (2006), “Which aspects of the farming lifestyle explain the inverse association with childhood allergy?”, *J Allergy Clin Immunol*, Jun; 117(6), p. 1374-1381; Loss, G., Apprich, S., Waser, M., Kneifel, W., Genuneit, J., Büchele, G., Weber, J., Sozanska, B., Danielewicz, H., Horak, E., Van Neerven, R.J., Heederik, D., Lorenzen, P.C., Von Mutius, E., Braun-Fahrlander, C., GABRIELA study group (2011), “The protective effect of farm milk consumption on childhood asthma and atopy: the GABRIELA study”, *J Allergy Clin Immunol*. Oct;128(4), p. 766-773.
31. The Perkin and Loss studies were large epidemiological studies calculating statistical correlations between environmental factors, patterns in diet, mothers’ behaviour and

clinical outcomes in children. Kusche, 2015, and Abbring et al, 2016, performed an additional provocation study of multiple allergic children. These children, whose average age was eighteen months and were weak and ill due to allergies, were tested in a double blinded placebo controlled trial, comparing biodynamic Vorzugsmilch with conventional origin, pasteurized and homogenized milk. It was shown that there were no differences in skin reactions when small amounts of milk were sprayed under the skin in what is known as the “skin prick test”. However, in the provocation test, almost all children strongly reacted to the heat-treated milk with all kinds of allergic reactions, and the intake of milk had to be stopped after several millilitres of intake. In contrast, by far most children could digest the biodynamic Vorzugsmilch up to its maximum of 50 millilitres. Differences in threshold tolerance between the two milk origins were significant. Now shown to me and marked as Exhibits “B” , “P” and “Q” to this affidavit are true copies of Kusche, D. (2015), *Untersuchungen zu Qualität und Verträglichkeit Ökologischer Milch - Differenzierbarkeit biologisch-dynamischer und konventioneller Milchqualität auf Betriebsebene anhand analytischer Qualitätsparameter und unter Einbezug von Verträglichkeitstestungen bei Kindern mit Nahrungsmittelallergien*; PhD Thesis, University of Kassel (“**Kusche, 2015**”), Abbring S., Ayechu Muruzabal V., Diks M.A.P., Dingjan G.M., Baars T., Garssen J., van Esch B.C.A.M. (2016), “Comparing the sensitizing capacity of raw and processed cow’s milk in a murine sensitization model for food allergy”, *Allergy*, 71 (Suppl. 102), 118–272 and Abbring, S., Roos, T., Van Esch, B.C.A.M., Garssen, J., Kusche, D., Diks M.A.P., Dingham G.M., Baars T. (2018 in prep), “Raw and shop milk tested in a double blind controlled trial of multiple allergic

children as well as in a murine allergic model – comparison of human and animal results.”

32. After the milk provocation test, the parents were advised to look for a similar biodynamic or organic farm in their neighbourhood to get access to Vorzugsmilch quality raw milk. After a period of weeks, a doctor re-examined the children and confirmed that they had lost most of their allergies, whereas before the trial they had been diagnosed with multiple allergies, including to milk.

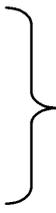
33. Since Abbring et al. in 2016 have shown in epidemiological studies that raw milk is not only protective against milk allergies, but also against asthma, Vorzugsmilch was tested in a mouse asthma model by Abbring, 2017. After several weeks of milk consumption, the animals were infected with the house dust mite. Besides the negative and positive control, two treatments were compared: raw Vorzugsmilch and heat-treated Vorzugsmilch. After heat treatment of the Vorzugsmilch, mice reacted in a similar way to house dust as the positive control group, whereas the raw milk mice did not show any asthmatic reaction, as in the negative control group. Also, according to Abbring et al. 2017, the blood and tissue immune parameters supported these clinical findings. Now shown to me and marked as Exhibit “**R**” to this affidavit is a true copy of Abbring S., Verheijden K.A.T., Diks M.A.P., Leusink-Muis A., Hols G., Baars T., Garssen J., Van Esch B.C.A.M. (2017) “Raw Cow’s Milk Prevents the Development of Airway Inflammation in a Murine House Dust Mite-Induced Asthma Model”. *Front. Immunol.* 8:1045. doi: 10.3389/fimmu.2017.01045.

34. In a running multicenter study, over 500 consumers of raw milk and raw milk kefir were evaluating their changes in health before and after starting raw milk consumption. In this retrospective epidemiological study validated questionnaires were used to evaluate changes in the bowel and skin area, their mood, overall immunity and health. There is a significant increase of health and a reduction of complaints since the start of consumption of raw milk or raw milk kefir. There is a significant better improvement of self-reported health, if people had a reduced immunity and/or suffering from chronic disease (Baars et al. 2018 (in prep). Now shown to me and marked as Exhibit “S” to this affidavit is a true copy of Baars T., Berge A.C., Verster J. (2018 in prep). Evaluation of self-reported changes in human health after consumption of raw milk and raw milk kefir.

Conclusion

35. In my opinion, based on the epidemiological and clinical evidence in children and clinical evidence in children and animal models, raw milk has demonstrated health benefits. These benefits are both preventive as corrective. Further, there is scientific evidence that raw milk can be produced with a very limited zoonotic impact on human health and no hazardous epidemics have been found after consumption of such raw milk. In my opinion, Glencolton Farms produces such safe raw milk.

AFFIRMED before me at the Town of Witzenhausen, in the State of Hesse, in the Federal Republic of Germany, 23 of March, 2018.



David Barié

Name

Vorstehende, am heutigen Tage vor mir vollzogene Unterschrift von

Herrn Anthonie Baars, geb. am 16.08.1956,
wohnhaft Mittelweg 9, 37217 Witzenhausen-Ziegenhagen
ausgewiesen durch amtlichen Lichtbildausweis

beglaubige ich hiermit.

Die Frage nach einer Vorbefassung im Sinne von § 3 Abs. 1 Nr. 7 BeurkG wurde von dem Beteiligten verneint.

Die umstehende unterschriebene Erklärung habe ich auf Eintragungsfähigkeit geprüft.

Witzenhausen, 27. März 2018


Barie
Notar



JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
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AFFIDAVIT

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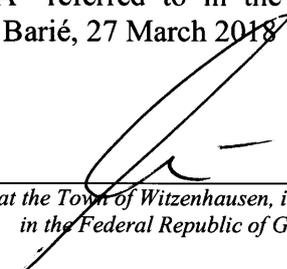
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Email: dperegoudova@grllp.com

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Counsel for the Applicants

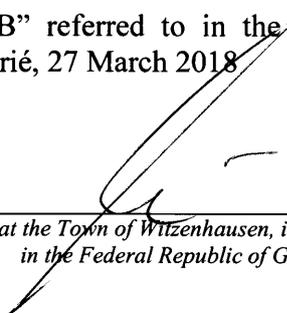
This is Exhibit "A" referred to in the Affidavit of Ton Baars affirmed by David Barié, 27 March 2018



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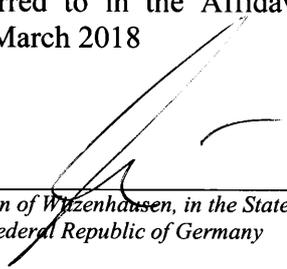
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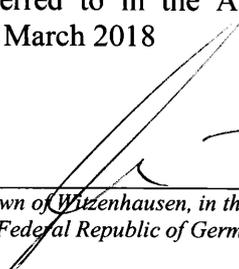
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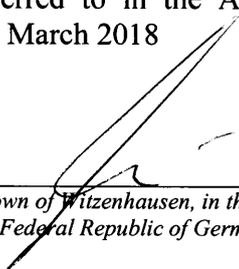
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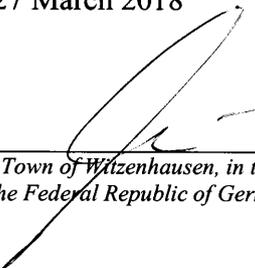
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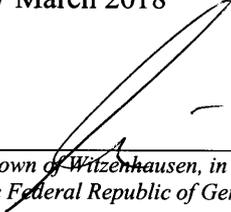
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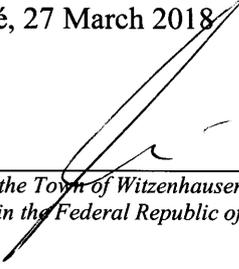
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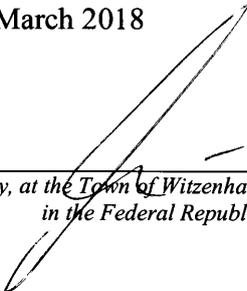
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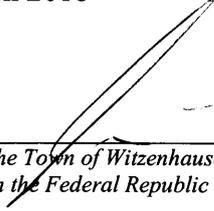
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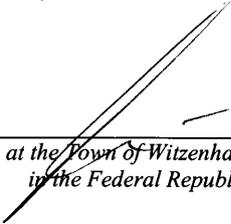
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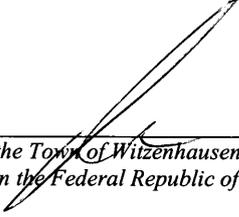
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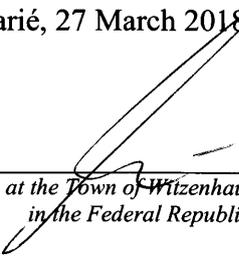
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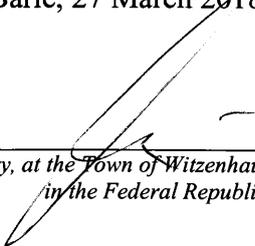
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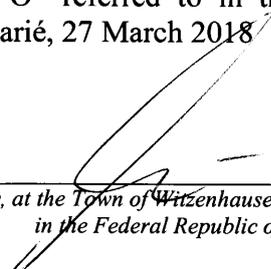
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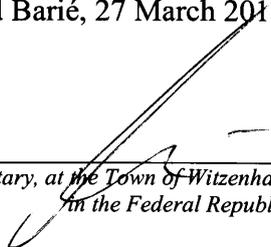
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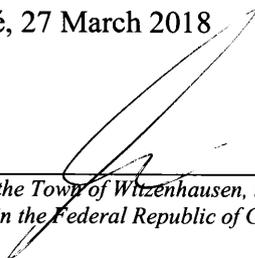
This is Exhibit "P" referred to in the Affidavit of Ton Baars affirmed David Barié, 27 March 2018



*A Notary, at the Town of Witzenhausen, in the State of Hesse,
in the Federal Republic of Germany*

COPY OF EXHIBIT
WILL BE AVAILABLE
UPON REQUEST

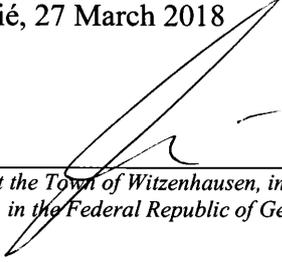
This is Exhibit "Q" referred to in the Affidavit of Ton Baars
affirmed David Barié, 27 March 2018



*A Notary, at the Town of Witzzenhausen, in the State of Hesse,
in the Federal Republic of Germany*

COPY OF EXHIBIT
WILL BE AVAILABLE
UPON REQUEST

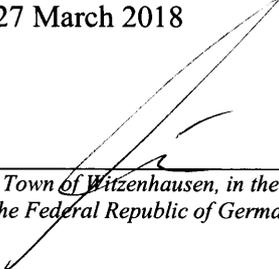
This is Exhibit "R" referred to in the Affidavit of Ton Baars
affirmed David Barié, 27 March 2018



*A Notary, at the Town of Witzenhausen, in the State of Hesse,
in the Federal Republic of Germany*

**COPY OF EXHIBIT
WILL BE AVAILABLE
UPON REQUEST**

This is Exhibit "S" referred to in the Affidavit of Ton Baars
affirmed David Barié, 27 March 2018



*A Notary, at the Town of Witzhausen, in the State of Hesse,
in the Federal Republic of Germany*

COPY OF EXHIBIT
WILL BE AVAILABLE
UPON REQUEST

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

James Lansing Affleck, John Baak, Eric Bryant, Carol Celenza, Sanda Draga,
Werner Fabian, Karen Fliess, Merle Gould, Maria Helms, Allyson
McMullen, Liliana Miculescu, Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg, Elisa
Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF JAMES LANSING AFFLECK

Sworn April 9, 2018

I, **JAMES LANSING AFFLECK**, of the Town of Beaverton, in the Province of Ontario,
Canada, **SOLEMNLY MAKE OATH AND DECLARE:**

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. After I almost failed high school due to illness, I was diagnosed with an incurable chronic disease known as ulcerative colitis. For a decade after my diagnosis, I tried different treatments without success: doctor-prescribed pharmaceutical drugs/steroids, probiotics, a naturopathic doctor, acupuncture, low carbohydrate diets and others.
5. As a practising Christian, I trust and believe the Holy Scriptures. As such, I felt that I could find relief to my disease by following God's basic principles for my health. I was moved by the straightforward meaning of milk in Scripture, which in my freedom of conscience, I accept as meaning raw milk and that it is healthy.
6. I believe that defining a pasteurized, industrialized product as “milk” is essentially wrong. This underlying implicit truth in Scripture is very important to me: “And they told him, and said, We came unto the land whither thou sentest us, and surely it floweth with milk and honey; and this is the fruit of it.” (Numbers 13:27). This concept is core and repeated many times in Scripture (Exodus 3:8, 3:17, 13:5, 33:3; Leviticus 20:24, Numbers 13:27, 14:8, 16:13-14; Deuteronomy 6:3, 11:9, 26:9,15, 27:3, 31:20; Joshua 5:6; Jeremiah 11:5, 32:22; Ezekiel 20:6,15).
7. Raw milk, or more correctly, real unadulterated milk from grass-fed cows, has the wonderful good bacteria that are normally found in a healthy gut. This was and is consistent with God's character, that He has made provision for me and takes care of me and my family when we respect His design and His ways.

8. My beliefs about my security of person and the physical management of my disease are both embodied in raw milk. I employ what I call Raw Milk Therapy as a treatment for my condition according to my own conscientiously-held beliefs. I have been consuming raw milk for nearly ten healthy, painless and medication-free years. If I cannot access this basic treatment, I am not able to be well.
9. Raw milk has been the most significant part of my path to healing my condition. Without it, I am being stripped of the freedom to make a conscientious and informed decision about my own and my family's diet. My freedom of conscience and religion is violated by not being able to put into practice what I know to be right and true.
10. By not being able to legally obtain raw milk in Ontario, both my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
11. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
12. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
13. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.

14. I do not accept the conclusions in paragraphs 11 and 12 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.
15. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.
16. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.

17. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the City of Toronto, in the Province of Ontario on April 9, 2018.



Commissioner for Taking Affidavits
(or as may be)



JAMES LANSING AFFLECK

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
TORONTO

AFFIDAVIT

GARDINER ROBERTS LLP

Bay Adelaide Centre, East Tower
3600 - 22 Adelaide Street West
Toronto, ON M5H 4E3

Ian A. Blue, Q.C., LSUC #14641J
Email: iblue@grllp.com

Daria Peregoudova, LSUC #73005Q
Email: dperegoudova@grllp.com

Tel: 416-865-2962

Fax: 416-865-6636

Counsel for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

James Lansing Affleck, John Baak, Eric Bryant,
Carol Celenza, Sanda Draga, Werner Fabian, Karen Fliess,
Merle Gould, Maria Helms, Allyson McMullen, Liliana Miculescu,
Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg,
Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF JOHN BAAK

Sworn April 6, 2018

I, **JOHN BAAK**, of the Municipality of West Grey, in the Province of Ontario, Canada,

SOLEMNLY MAKE OATH AND DECLARE:

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. I was raised on raw milk and have had access to raw milk all my life.
5. My wife and I both need raw milk for optimal health and bone density. My wife has had digestive problems, and tried to cure them first with lactose-free milk, followed by six years of not consuming milk at all. One year ago, she started to consume raw milk and has had no issues with digesting it. In fact, her overall health has steadily improved, and there is no other reason known to us for this improvement other than having started consuming raw milk.
6. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
7. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
8. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
9. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.

10. I do not accept the conclusions in paragraphs 8 and 9 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.
11. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.
12. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.
13. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the
Municipality of West Grey, in the
Province of Ontario on April 6, 2018.



Commissioner for Taking Affidavits
(or as may be)



JOHN BAAK

Susan Madeline Butler
a Commissioner, etc.,
Province of Ontario,
for Fallis Fallis & McMillan
Barristers and Solicitors.
Expires September 11, 2018.

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
TORONTO

AFFIDAVIT

GARDINER ROBERTS LLP
Bay Adelaide Centre, East Tower
3600 - 22 Adelaide Street West
Toronto, ON M5H 4E3

Ian A. Blue, Q.C., LSUC #14641J.
Email: iblue@grllp.com

Daria Peregoudova, LSUC #73005Q
Email: dperegoudova@grllp.com

Tel: 416-865-2962

Fax: 416-865-6636

Counsel for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

James Lansing Affleck, John Baak, Eric Bryant,
Carol Celenza, Sanda Draga, Werner Fabian, Karen Fliess,
Merle Gould, Maria Helms, Allyson McMullen, Liliana Miculescu,
Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg,
Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF LOIS BANKS

Sworn April 9, 2018

I, **LOIS BANKS**, of the Town of Richmond Hill, in the Province of Ontario, Canada,
SOLEMNLY MAKE OATH AND DECLARE:

1. This affidavit is based upon my own personal knowledge and experience of the matters and facts herein.

2. I believe that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.
3. Glencolton Farms produces high quality raw milk and raw milk products, which [my family and I consumed for nineteen years.
4. As the result of the injunction against Glencolton Farms and the enforcement of the restrictions against its distribution of raw milk and raw milk products, my family and I have refrained from consuming raw milk and raw milk products. We have done so because if we were to acquire raw milk from other suppliers we would be taking a risk that such raw milk would not be as hygienically prepared as products from Glencolton.
5. As a result of the prohibitions in the injunction against the distribution of raw milk, I and my family have been deprived of the health benefits of properly processed raw milk and raw milk products. This is prejudicial to our health and personal security. I do not believe it is right for the law to force me to choose between consuming raw milk with a risk of contamination or not consuming raw milk at all when raw milk properly processed, as at Glencolton, provides definite health benefits.
6. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the *Town*
of *Richmond Hill*, in the Province of
Ontario on April 9, 2018.



Commissioner for Taking Affidavits
(or as may be)



LOIS BANKS

HALINA ARSENAULT, a Commissioner, etc.,
Province of Ontario, for the Corporation of
the Town of Richmond Hill.
Expires January 10, 2021.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

James Lansing Affleck, John Baak, Eric Bryant,
Carol Celenza, Sanda Draga, Werner Fabian, Karen Fliess,
Merle Gould, Maria Helms, Allyson McMullen, Liliana Miculescu,
Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg,
Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF LOIS BANKS

Sworn April 9, 2018

I, **LOIS BANKS**, of the Town of Richmond Hill, in the Province of Ontario, Canada,
SOLEMNLY MAKE OATH AND DECLARE:

1. This affidavit is based upon my own personal knowledge and experience of the matters and facts herein.

2. I believe that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.
3. Glencolton Farms produces high quality raw milk and raw milk products, which [my family and I consumed for nineteen years.
4. As the result of the injunction against Glencolton Farms and the enforcement of the restrictions against its distribution of raw milk and raw milk products, my family and I have refrained from consuming raw milk and raw milk products. We have done so because if we were to acquire raw milk from other suppliers we would be taking a risk that such raw milk would not be as hygienically prepared as products from Glencolton.
5. As a result of the prohibitions in the injunction against the distribution of raw milk, I and my family have been deprived of the health benefits of properly processed raw milk and raw milk products. This is prejudicial to our health and personal security. I do not believe it is right for the law to force me to choose between consuming raw milk with a risk of contamination or not consuming raw milk at all when raw milk properly processed, as at Glencolton, provides definite health benefits.
6. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the *Town*
of *Richmond Hill*, in the Province of
Ontario on April 9, 2018.



Commissioner for Taking Affidavits
(or as may be)



LOIS BANKS

HALINA ARSENAULT, a Commissioner, etc.,
Province of Ontario, for the Corporation of
the Town of Richmond Hill.
Expires January 10, 2021.

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
TORONTO

AFFIDAVIT

GARDINER ROBERTS LLP
Bay Adelaide Centre, East Tower
3600 - 22 Adelaide Street West
Toronto, ON M5H 4E3

Ian A. Blue, Q.C., LSUC #14641J
Email: iblue@grllp.com

Daria Peregoudova, LSUC #73005Q
Email: dperegoudova@grllp.com

Tel: 416-865-2962

Fax: 416-865-6636

Counsel for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

James Lansing Affleck, John Baak, Eric Bryant,
Carol Celenza, Sanda Draga, Werner Fabian, Karen Fliess,
Merle Gould, Maria Helms, Allyson McMullen, Liliana Miculescu,
Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg,
Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF ERIC BRYANT

Sworn April 7, 2018

I, **ERIC BRYANT**, of the Town of Blackstock, in the Province of Ontario, Canada,

SOLEMNLY MAKE OATH AND DECLARE:

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. I am an Essene and live in accordance with the health prescriptions in the Essene Gospel of Peace.
5. There are four books in the Essene Gospel of Peace. Book One contains the dietary laws of the faith. In it, Jesus commands:

Kill neither men, nor beasts, nor yet the food which goes into your mouth. For if you eat living food, the same will quicken you, but if you kill your food, the dead food will kill you also. For life comes only from life, and from death comes always death. For everything which kills your foods, kills your bodies also. And everything which kills your bodies kills your souls also.

6. In another passage in the Essene Gospel of Peace, it is written:

And when you eat at her [the Earthly Mother's] table, eat all things even as they are found on the table of the Earthly Mother. Cook not, neither mix all things one with another, lest your bowels become as steaming bogs. For I tell you truly, this is abominable in the eyes of the Lord.

7. The Essene faith requires its adherents to eat only uncooked foods, and not to kill animals in order to eat. We are instructed to eat only "living food"—i.e., uncooked plants, sprouted grains, raw milk and raw honey. The Essene Gospel of Peace instructs that:

Also the milk of every thing that moveth and liveth upon earth shall be meat for you; even as the green herb have I given unto them, so I give their milk unto you. But flesh, and the blood which quickens it, shall ye not eat.

8. As Essenes we are commanded to eat milk and honey, and in the form presented by God, unpasteurized. The Essene Gospel of Peace states this with certainty:

So eat always from the table of God: the fruit of the trees, the grain and the grasses of the field, the milk of beasts, and the honey of bees. For everything beyond these is of Satan, and leads by the way of sins and of diseases unto death.

9. The Essene Gospel of Peace distinguishes between “the fire of life,” which is at body temperature, and “the fire of death,” which is above body temperature, thus precluding all pasteurization. This is the relevant excerpt:

“For I tell you truly, live only by the fire of life, and prepare not your foods with the fire of death, which kills your foods, your bodies and your souls also.”

“Master, where is the fire of life? asked some of them.”

“In you, in your blood, and in your bodies.”

“And the fire of death?” asked others.

“It is the fire which blazes outside your body, which is hotter than your blood. With that fire of death you cook your foods in your homes and in your fields. I tell you truly, it is the same fire which destroys your foods and your bodies, even as the fire of malice, which ravages your thoughts, ravages your spirits. For your body is that which you eat, and your spirit is that which you think. Eat nothing, therefore, which a stronger fire than the fire of life has killed.”

10. Attached hereto as Exhibit “A” to this affidavit are true copies of these excerpts from the published version of Book One of the Essene Gospel of Peace.
11. I believe that, as the Essene Gospel of Peace teaches, if you have better health, you are better equipped to communicate with God, and can therefore move towards the ultimate goal of becoming one with God.
12. A vegan diet – one that does not include milk – has been shown in many scientific studies to be less healthful than a lacto-vegetarian diet. It is difficult for a vegetarian to get sufficient nutrition without consuming dairy products. If I were not able to have raw milk in my diet, I would not be able to attain optimal health, which would make it more difficult or perhaps impossible to connect on a spiritual level with God.

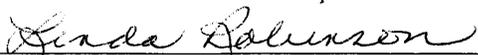
13. I have consumed raw milk for the last 18 years and I have enjoyed good health throughout that time.
14. It is very important to me and my family that we be able to continue to acquire unpasteurized milk. I believe that forbidding me to acquire raw milk would be a violation not only of my right to optimize my health, but also denial of my right to practice my religious faith.
15. By not being able to legally obtain raw milk in Ontario, both my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
16. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
17. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
18. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
19. I do not accept the conclusions in paragraphs 17 and 18 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.

20. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.

21. I believe that the values that underlie Canada’s political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.

22. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the Town of Richmond Hill, in the Province of Ontario on April 7, 2018.



Commissioner for Taking Affidavits

(or as may be)

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.



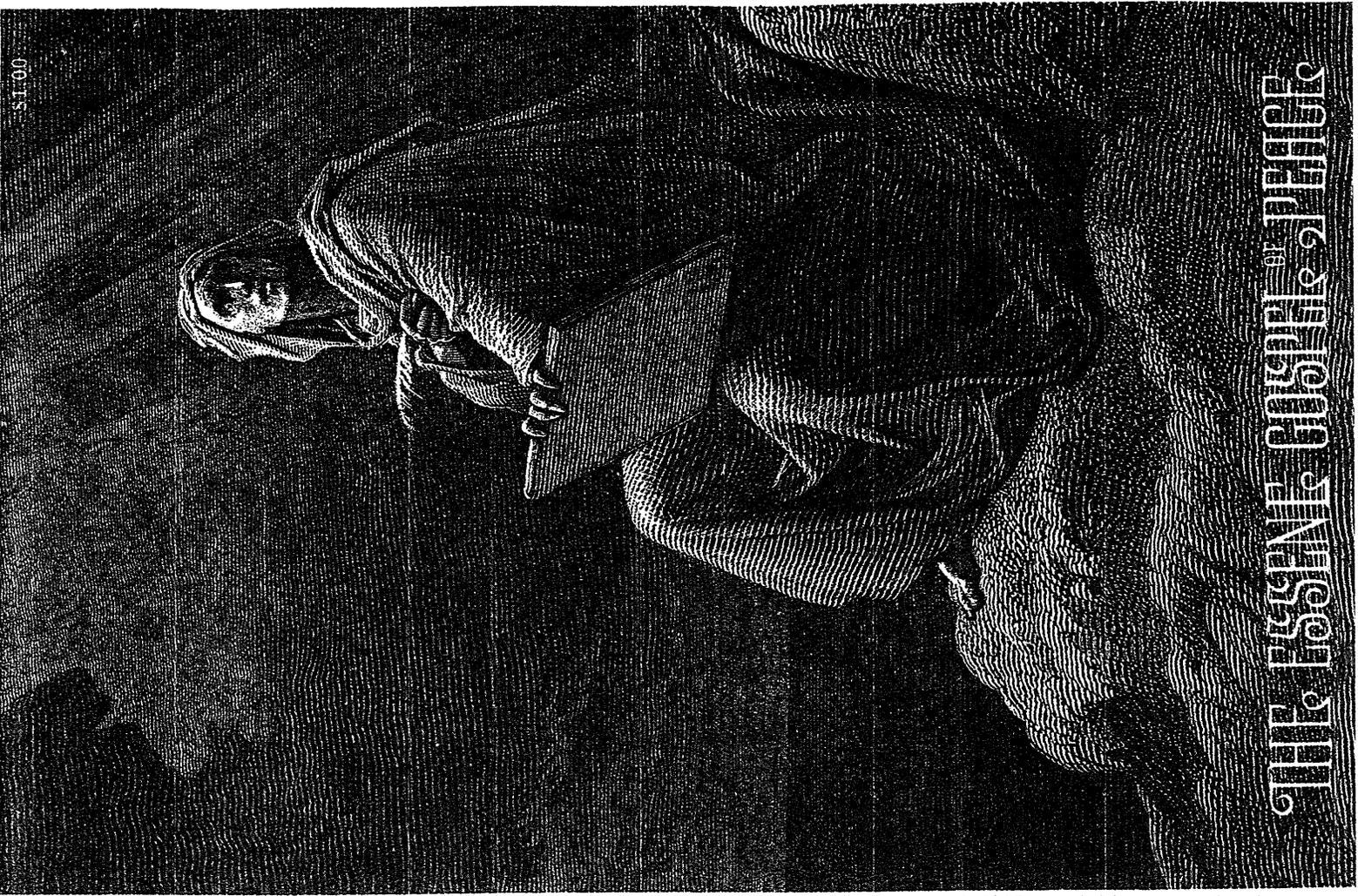
ERIC BRYANT

This is Exhibit "A" referred to in the Affidavit of Eric Bryant sworn
April*7th*....., 2018

Linda Dianne Robinson

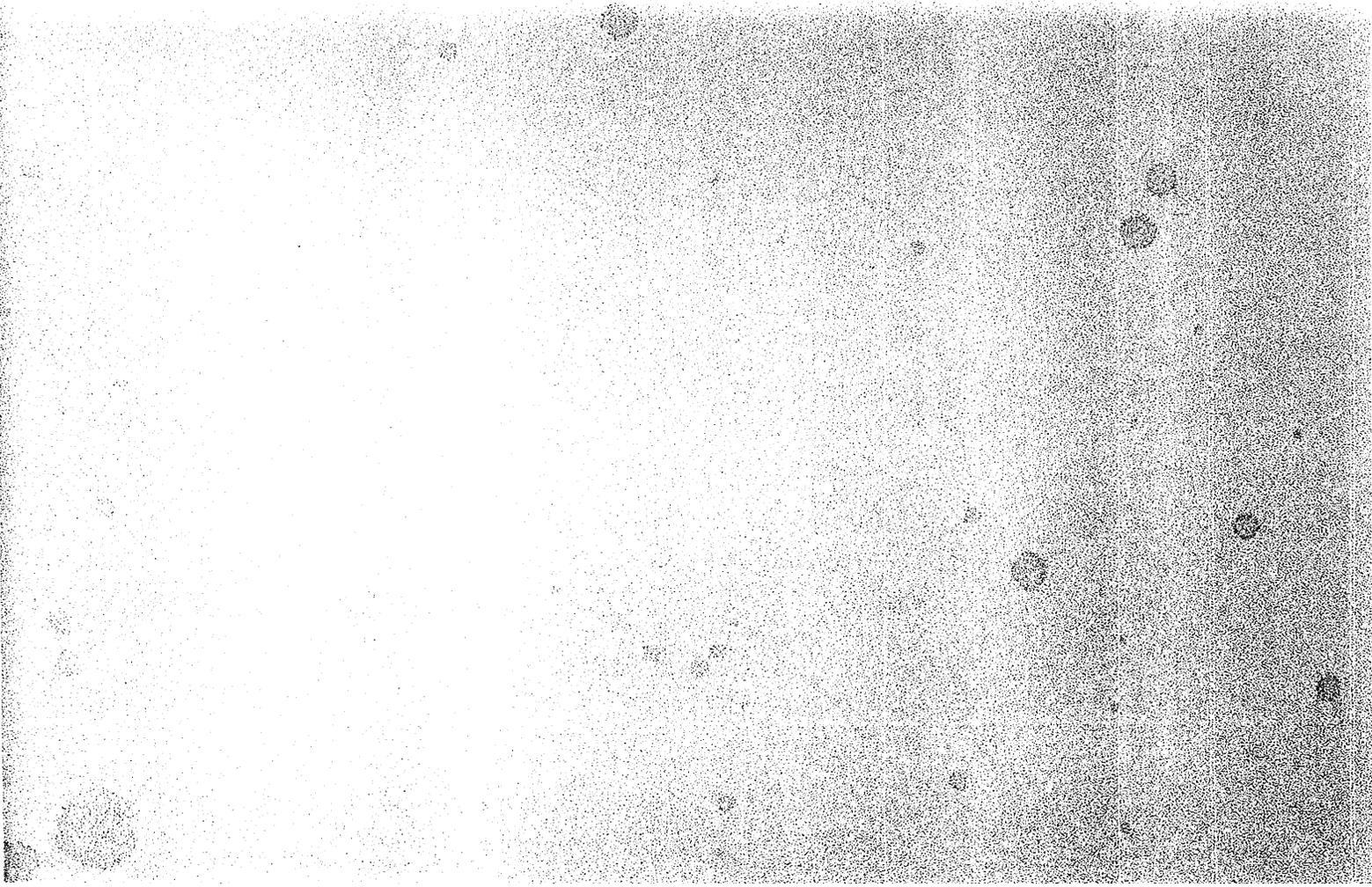
Commissioner for Taking Affidavits (or as may be)

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.



THE HOUSE OF THE DEAD

00175



THE ESSENE GOSPEL OF PEACE

BOOK ONE*

*The Third Century Aramaic Manuscript
and Old Slavonic Texts*

Compared, Edited and Translated by

EDMOND BORDEAUX SZEKELY



MCMLXXXI

INTERNATIONAL BIOGENIC SOCIETY

*In spite of ever-increasing printing and publishing costs, for the last fifty years the price of this volume has been maintained at \$1.00, thanks to the generosity of the founder of the *International Biogenic Society*, who considered that the extremely important message contained in these pages should always be made permanently available to everyone.

SOME BOOKS BY EDMOND BORDEAUX SZEKELY

THE ESSENE WAY -- BIOGENIC LIVING
THE ESSENE GOSPEL OF PEACE, BOOK ONE
BOOK TWO, THE UNKNOWN BOOKS OF THE ESSENES
BOOK THREE, LOST SCROLLS OF THE ESSENE BROTHERHOOD
BOOK FOUR, THE TEACHINGS OF THE ELECT
THE DISCOVERY OF THE ESSENE GOSPEL: The Essenes & the Vatican
SEARCH FOR THE AGELESS, in Three Volumes
THE ESSENE BOOK OF CREATION
THE ESSENE JESUS
THE ESSENE BOOK OF ASHA
THE ZEND AVESTA OF ZARATHUSTRA
ARCHEOSOPHY, A NEW SCIENCE
THE ESSENE ORIGINS OF CHRISTIANITY
TEACHINGS OF THE ESSENES FROM ENOCH TO THE DEAD SEA SCROLLS
THE ESSENES, BY JOSEPHUS AND HIS CONTEMPORARIES
THE ESSENE TEACHINGS OF ZARATHUSTRA
THE ESSENE SCIENCE OF LIFE
THE ESSENE CODE OF LIFE
THE ESSENE SCIENCE OF FASTING AND THE ART OF SOBRIETY
ESSENE COMMUNIONS WITH THE INFINITE
THE FIRST ESSENE
THE BIOGENIC REVOLUTION
THE ORIGIN OF LIFE
THE COSMOTHERAPY OF THE ESSENES
THE LIVING BUDDHA
SIDDARTHA, THE PILGRIM
PILGRIM OF THE HIMALAYAS
MAN IN THE COSMIC OCEAN
TOWARD THE CONQUEST OF THE INNER COSMOS
FATHER, GIVE US ANOTHER CHANCE
THE ECOLOGICAL HEALTH GARDEN, THE BOOK OF SURVIVAL
THE TENDER TOUCH: BIOGENIC FULFILLMENT
THE DIALECTICAL METHOD OF THINKING
THE EVOLUTION OF HUMAN THOUGHT
THE SOUL OF ANCIENT MEXICO
ANCIENT AMERICA: PARADISE LOST
MESSENGERS FROM ANCIENT CIVILIZATIONS
SEXUAL HARMONY: THE NEW EUGENICS
LUDWIG VAN BEETHOVEN, PROMETHEUS OF THE MODERN WORLD
THE FIERY CHARIOTS
CREATIVE WORK: KARMA YOGA
THE ART OF STUDY: THE SORBONNE METHOD
COSMOS, MAN AND SOCIETY
THE BOOK OF LIVING FOODS
SCIENTIFIC VEGETARIANISM
THE CONQUEST OF DEATH

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FOREWORD

Nearly two thousand years have passed since the Son of Man taught the way, the truth and the life of mankind. He brought health to the sick, wisdom to the ignorant and happiness to those in misery. He conquered half of humanity and the whole of the civilization of the West. This fact proves the eternal vitality of the Master's words, and their supreme and incomparable value.

The content of this book represents only about a third of the complete manuscripts which exist in Aramaic in the Secret Archives of the Vatican and in old Slavonic in the Royal Archives of the Habsburgs (now the property of the Austrian Government).

We owe the existence of these two versions to the Nestorian priests who, under pressure of the advancing hordes of Genghis Khan, were forced to flee from the East towards the West, bearing all their ancient scriptures and ikons with them.

The ancient Aramaic texts date from the 3rd century after Christ, while the old Slavonic version is a literal translation of the former. Exactly how the texts traveled from Palestine to the interior of Asia into the hands of the Nestorian priests, archeologists are not yet able to reconstruct for us.

We have nothing to add to this text. It speaks for itself. The reader who studies the pages that follow with concentration, will feel the eternal vitality and powerful evidence of these profound truths which mankind needs today more urgently than ever before.

"And the truth shall bear witness of itself."

London, 1937.

EDMOND BORDEAUX SZEKELY

And it was by the bed of a stream, many sick fasted and prayed with God's angels for seven days and seven nights. And great was their reward, because they followed Jesus' words. And with the passing of the seventh day, all their pains left them. And when the sun rose over the earth's rim they saw Jesus coming towards them from the mountain, with the brightness of the rising sun about his head.

"Peace be with you."

And they said no word at all, but only cast themselves down before him, and touched the hem of his garment in token of their healing.

"Give thanks not to me, but to your Earthly Mother, who sent you her healing angels. Go, and sin no more, that you may never again see disease. And let the healing angels become your guardians."

But they answered him: "Whither should we go, Master, for with you are the words of eternal life? Tell us, what are the sins which we must shun, that we may nevermore see disease?"

Jesus answered: "Be it so according to your faith," and he sat down among them, saying:

"It was said to them of old time, 'Honor thy Heavenly Father and thy Earthly Mother, and do their commandments, that thy days may be long upon the earth.' And next afterward was given this commandment, 'Thou shalt not kill,' for life is given to all by God, and that which God has given, let not man take away. For I tell you truly, from one Mother proceeds all that lives upon the earth. Therefore, he who kills, kills his brother. And from him will the Earthly Mother turn away, and will pluck from him her quickening breasts. And he will be shunned by her angels, and Satan will have his dwelling in his body. And the flesh of slain beasts in his body will become his own tomb. For I tell you truly, he who kills, kills himself, and whoso eats the flesh of slain beasts, eats of the body of death. For in his blood every drop of their blood turns to poison; in his breath their breath to stink; in his flesh their flesh to boils; in his bones their bones to chalk; in his

bowels their bowels to decay; in his eyes their eyes to scales; in his ears their ears to waxy issue. And their death will become his death. For only in the service of your Heavenly Father are your debts of seven years forgiven in seven days. But Satan forgives you nothing and you must pay him for all. 'Eye for eye, tooth for tooth, hand for hand, foot for foot; burning for burning, wound for wound; life for life, death for death.' For the wages of sin is death. Kill not, neither eat the flesh of your innocent prey, lest you become the slaves of Satan. For that is the path of sufferings, and it leads unto death. But do the will of God, that his angels may serve you on the way of life. Obey, therefore, the words of God: 'Behold, I have given you every herb bearing seed, which is upon the face of all the earth, and every tree, in the which is the fruit of a tree yielding seed; to you it shall be for meat. And to every beast of the earth, and to every fowl of the air, and to everything that creepeth upon the earth, wherein there is breath of life, I give every green herb for meat.

Also the milk of every thing that moveth and liveth upon earth shall be meat for you; even as the green herb have I given unto them, so I give their milk unto you. But flesh, and the blood which quickens it, shall ye not eat. And, surely, your spurning blood will I require, your blood wherein is your soul; I will require all slain beasts, and the souls of all slain men. For I the Lord thy God am a God strong and jealous, visiting the iniquity of the fathers upon the children unto the third and fourth generation of them that hate me; and showing mercy unto thousands of them that love me, and keep my commandments. Love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength: this is the first and greatest commandment.' And the second is like unto it: 'Love thy neighbor as thyself.' There is none other commandment greater than these."

And after these words they all remained silent, save one, who called out: "What am I to do, Master, if I see a wild beast rend my brother in the forest? Shall I let my brother perish, or kill the wild beast? Shall not I thus transgress the law?"

And Jesus answered: "It was said to them of old time: 'All beasts that move upon the earth, all the fish of the sea, and all the fowl of the air are given into thy power.' I tell you truly, of all creatures living upon the earth, God created only man after his image. Wherefore, beasts are for man, and not man for beasts. You do not, therefore, transgress the law if you kill the wild beast to save your brother's life. For I tell you truly, man is more than the beast. But he who kills the beast without a cause, though the beast attack him not, through lust for slaughter, or for its flesh, or for its hide, or yet for its tusks, evil is the deed which he does, for he is turned into a wild beast himself. Wherefore is his end also as the end of the wild beasts."

Then another said: "Moses, the greatest in Israel, suffered our forefathers to eat the flesh of clean beasts, and forbade only the flesh of unclean beasts. Why, therefore, do you forbid us the flesh of all beasts? Which law comes from God? That of Moses, or your law?"

And Jesus answered: "God gave, by Moses, ten commandments to your forefathers. 'These commandments are hard,' said your forefathers, and they could not keep them. When Moses saw this, he had compassion on his people, and would not that they perish. And then he gave them ten times ten commandments. For he whose feet are strong as the mountain of Zion, needs no crutches; but he whose limbs do shake, gets further having crutches, than without them. And Moses said to the Lord: 'My heart is filled with sorrow, for my people will be lost. For they are without knowledge, and are not able to understand thy commandments. They are as little children who cannot yet understand their father's words. Suffer, Lord, that I give them other laws, that they may not perish. If they may not be with thee, Lord, let them not be against thee; that they may sustain themselves, and when the time has come, and they are ripe for thy words, reveal to them thy laws.' For that did Moses break the two tablets of stone whereon were written the ten commandments, and he gave them ten times ten in their stead. And of these ten

times ten the Scribes and Pharisees have made a hundred times ten commandments. And they have laid unbearable burdens on your shoulders, that they themselves do not carry. For the more nigh are the commandments to God, the less do we need; and the farther they are from God, then the more do we need. Wherefore are the laws of the Pharisees and Scribes innumerable; the laws of the Son of Man seven; of the angels three; and of God one.

"Therefore, I teach you only those laws which you can understand, that you may become men, and follow the seven laws of the Son of Man. Then will the unknown angels of the Heavenly Father also reveal their laws to you, that God's holy spirit may descend upon you, and lead you to his law."

And all were astonished at his wisdom, and asked him: "Continue, Master, and teach us all the laws which we can receive."

And Jesus continued: "God commanded your forefathers: 'Thou shalt not kill.' But their heart was hardened and they killed. Then Moses desired that at least they should not kill men, and he suffered them to kill beasts. And then the heart of your forefathers was hardened yet more, and they killed men and beasts likewise. But I do say to you: Kill neither men, nor beasts, nor yet the food which goes into your mouth. For if you eat living food, the same will quicken you, but if you kill your food, the dead food will kill you also. For life comes only from life, and from death comes always death. For everything which kills your foods, kills your bodies also. And everything which kills your bodies kills your souls also. And your bodies become what your foods are, even as your spirits, likewise, become what your thoughts are. Therefore, eat not anything which fire, or frost, or water has destroyed. For burned, frozen and rotted foods will burn, freeze and rot your body also. Be not like the foolish husbandman who sowed in his ground cooked, and frozen, and rotten seeds. And the autumn came, and his fields bore nothing. And great was his distress. But he like

that husbandman who sowed in his field living seed, and whose field bore living ears of wheat, paying a hundredfold for the seeds which he planted. For I tell you truly, live only by the fire of life, and prepare not your foods with the fire of death, which kills your foods, your bodies and your souls also.

"Master, where is the fire of life?" asked some of them.

"In you, in your blood, and in your bodies."

"And the fire of death?" asked others.

"It is the fire which blazes outside your body, which is hotter than your blood. With that fire of death you cook your foods in your homes and in your fields. I tell you truly, it is the same fire which destroys your foods and your bodies, even as the fire of malice, which ravages your thoughts, ravages your spirits. For your body is that which you eat, and your spirit is that which you think. Eat nothing, therefore, which a stronger fire than the fire of life has killed. Wherefore, prepare and eat all fruits of trees, and all grasses of the fields, and all milk of beasts good for eating. For all these are fed and ripened by the fire of life; all are the gift of the angels of our Earthly Mother. But eat nothing to which only the fire of death gives savor, for such is of Satan."

"How should we cook our daily bread without fire, Master?" asked some with great astonishment.

"Let the angels of God prepare your bread. Moisten your wheat, that the angel of water may enter it. Then set it in the air, that the angel of air also may embrace it. And leave it from morning to evening beneath the sun, that the angel of sunshine may descend upon it. And the blessing of the three angels will soon make the germ of life to sprout in your wheat. Then crush your grain, and make thin wafers, as did your forefathers when they departed out of Egypt, the house of bondage. Put them back again beneath the sun from its appearing, and when it is risen to its highest in the heavens, turn them over on the other side that they be embraced there also by the angel of sunshine, and leave them there until the sun be set. For the angels of water, of air, and of

sunshine fed and ripened the wheat in the field, and they, likewise, must prepare also your bread. And the same sun which, with the fire of life, made the wheat to grow and ripen, must cook your bread with the same fire. For the fire of the sun gives life to the wheat, to the bread, and to the body. But the fire of death kills the wheat, the bread, and the body. And the living angels of the living God serve only living men. For God is the God of the living, and not the God of the dead.

"So eat always from the table of God: the fruits of the trees, the grain and grasses of the field, the milk of beasts, and the honey of bees. For everything beyond these is of Satan, and leads by the way of sins and of diseases unto death. But the foods which you eat from the abundant table of God give strength and youth to your body, and you will never see disease. For the table of God fed Methuseelah of old, and I tell you truly, if you live even as he lived, then will the God of the living give you also long life upon the earth as was his.

"For I tell you truly, the God of the living is richer than all the rich of the earth, and his abundant table is richer than the richest table of feasting of all the rich upon the earth. Eat, therefore, all your life at the table of our Earthly Mother, and you will never see want. And when you eat at her table, eat all things even as they are found on the table of the Earthly Mother. Cook not, neither mix all things one with another, lest your bowels become as steaming bogs. For I tell you truly, this is abominable in the eyes of the Lord.

"And be not like the greedy servant, who always ate up, at the table of his lord, the portions of others. And he devoured everything himself, and mixed all together in his gluttony. And seeing that, his lord was wroth with him, and drove him from the table. And when all had ended their meal, he mixed together all that remained upon the table, and called the greedy servant to him, and said: 'Take and eat all this with the swine, for your place is with them, and not at my table.'



EDMOND BORDEAUX SZÉKELY

grandson of Alexandre Székely, eminent poet and Unitarian Bishop of Cluj, is a descendant of Csoma de Kőrös, Transylvanian traveler and philologist who, over 150 years ago, compiled the first grammar of the Tibetan language, the first English-Tibetan dictionary, and wrote his unsurpassed work, *Asiatic Researches*. He also was Librarian to the Royal Asiatic Society in India. Dr. Bordeaux earned his Ph.D. degree from the University of Paris, and other degrees from the Universities of Vienna and Leipzig. He also held professorships of Philosophy and Experimental Psychology at the University of Cluj. A well-known philologist in Sanscrit, Aramaic, Greek and Latin, Dr. Bordeaux spoke ten modern languages. In 1928, he founded the International Biogenic Society with Nobel Prize-winning author, Roman Rolland. His most important translations, in addition to selected texts from the Dead Sea Scrolls and the *Essene Gospel of Peace* (over a million copies in 26 languages) are selected texts from the *Zend Avesta* and from pre-Columbian codices of ancient Mexico. His last works on the Essene Way of Biogenic Living have attracted worldwide interest. He is the author of more than 80 books published in many countries on philosophy and ancient cultures. His work is carried on by the International Biogenic Society headed by his successor, Norma Nilsson Bordeaux Székely.

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF CAROL CELENZA

Sworn April 7, 2018

I, **CAROL CELENZA**, of the Town of East Gwillimbury, in the Province of Ontario, Canada,
SOLEMNLY MAKE OATH AND DECLARE:

1. This affidavit is based upon my own personal knowledge and experience of the matters and facts herein.
2. I provide this evidence because I hold, as a matter of conscience, that I should have the right to purchase or otherwise obtain raw milk and/or raw milk products from farmers in Ontario because access to this clean, unadulterated, unprocessed food is absolutely crucial for my family's health, and is in addition a treasured part of my family heritage.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access the raw milk and/or raw milk products that I believe my family and I need to maintain good health and practice our nutritional traditions without unreasonable and undue hardship, or the threat of prosecution.
4. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
5. I acknowledge that some studies regarding raw milk identify potential risks of consuming raw milk that has not been pasteurized, and those studies state that in rare cases those risks, including fatal consequences, can be severe. I acknowledge that some studies state that there are microbial hazards associated with raw milk if improperly produced.
6. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving these benefits requires further investigation, specifically studying raw milk intended for human consumption.
7. I also acknowledge that there is conflicting opinion depending on the variables studied, and that there are studies accepted by other first world nations that raw milk intended for human consumption is safe, if properly produced. Many of these nations have laws allowing citizens the same rights that I seek.
8. I do not accept the conclusions in paragraphs 6 and 7 above as complete. I am an applicant in this proceeding because I believe in the freedom of informed choice when it comes to nutrition; because raw milk is a vital food for my family, and raw milk

consumption along with other clean, natural products is an integral part of our cultural traditions and spiritual values; and because pasteurized milk along with other processed food cause us health problems. As such, it is important that I and my family consume it.

- 9. I believe that the values that underlie Canada’s political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows me and other persons to purchase, sell, deliver or receive raw milk and/or raw milk products in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk and/or raw milk products, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences.

- 10. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the Town of Richmond Hill, in the Province of Ontario on April 7, 2018.



 Commissioner for Taking Affidavits
 (or as may be)

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.



CAROL CELENZA

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF SANDA DRAGA

Sworn April 7, 2018

I, **SANDA DRAGA**, of the City of Toronto, in the Province of Ontario, Canada, **SOLEMNLY
MAKE OATH AND DECLARE:**

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. Raw milk is a venerated food for me and my family. My grandparents and parents drank the milk raw from cows on their own farms and shared with me the wisdom of consuming traditional nourishing food obtained by themselves. They instilled in me love and respect for the land, animals and farming practices that sustain robust health for the next generations.
5. I grew up consuming raw milk as a child. Switching to commercial pasteurized milk in Canada caused me to suffer negative digestive effects, to the point that I could not drink it any more. The only way I can have milk in my diet is if I consume it raw.
6. I have now been consuming raw milk in Ontario for more than 15 years.
7. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
8. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
9. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.

10. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
11. I do not accept the conclusions in paragraphs 9 and 10 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.
12. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.
13. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.

14. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the Town of Richmond Hill, in the Province of Ontario on April 7, 2018.



Commissioner for Taking Affidavits
(or as may be)

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.



SANDA DRAGA

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
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Counsel for the Applicants

**ONTARIO
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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF WERNER FABIAN

Sworn April 6, 2018

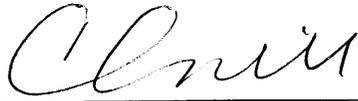
**I, WERNER FABIAN, of the City of Barrie, in the Province of Ontario, Canada, SOLEMNLY
MAKE OATH AND DECLARE:**

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. I believe that clean, biodynamically farmed raw milk is one of the most important sources of dietary nutrition available. I have observed that safe raw milk from healthy cows helps people to be in top physical shape, myself included. Until now, I was able to obtain safe, raw milk and raw milk products from healthy cows since 1975 without the threat of prosecution.
5. I am a medical doctor and I have to constantly assess health risks. I do not want to be exposed to the health risk of consuming either unhealthy, irresponsibly produced raw milk or pasteurized, homogenized milk.
6. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
7. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
8. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.

9. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
10. I do not accept the conclusions in paragraphs 8 and 9 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.
11. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.
12. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.
13. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the ^{City}~~Town~~
of ^{Barrie}~~Richmond Hill~~, in the Province of
Ontario on April 6, 2018.



Commissioner for Taking Affidavits
(or as may be)



WERNER FABIAN

CONNIE LYNN CROSSKILL,
Commissioner, etc., Province of Ontario,
for **JAMES W. WIEGAND,**
Barrister and Solicitor.
Expires **October 5, 2020.**

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

**AFFIDAVIT OF KAREN FLIESS
Sworn April 9, 2018**

I, **KAREN FLIESS**, of the City of Toronto, in the Province of Ontario, Canada, **SOLEMNLY**

MAKE OATH AND DECLARE:

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.
3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.

4. I am lactose intolerant, but nonetheless am able to digest raw milk easily. I do not know how I would function without raw milk. Raw milk tastes like what it is, one of the most complete, deeply nourishing gifts of nature there is. It fills me with an incomparable feeling of vitality and well-being.
5. I have been consuming raw milk for over 25 years. I began consuming it while I was living in England for six years, where raw milk was delivered legally to my doorstep.
6. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
7. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
8. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
9. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
10. I do not accept the conclusions in paragraphs 8 and 9 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.

11. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.

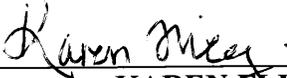
12. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.

13. I make this affidavit on behalf of myself in support of my application and for no other or improper purpose.

SWORN BEFORE ME at the city of Toronto, in the Province of Ontario on April 9, 2018.



Commissioner for Taking Affidavits
(or as may be)



KAREN FLIESS

Kelly Anne Dobson, a Commissioner, etc.,
City of Toronto, for **McBride Wallace Laurent & Cord LLP,**
Barristers and Solicitors.
Expires March 18, 2021.

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
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Counsel for the Applicants

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
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Counsel for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

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Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg,
Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

**AFFIDAVIT OF MERLE GOULD
Sworn April 9, 2018**

I, **MERLE GOULD**, of the City of Toronto, in the Province of Ontario, Canada, **SOLEMNLY
MAKE OATH AND DECLARE:**

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. For 18 years I have been consuming responsibly-farmed raw milk. I believe that raw milk's health-giving properties have been a crucial factor in restoring my health following years of severe, complex medical issues that I endured prior to drinking raw milk.
5. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
6. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
7. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
8. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
9. I do not accept the conclusions in paragraphs 7 and 8 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw

milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.

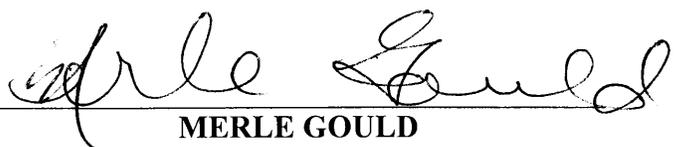
10. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.

11. I believe that the values that underlie Canada’s political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.

12. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the City of Toronto, in the Province of Ontario on April 9, 2018.


Commissioner for Taking Affidavits
(or as may be)


MERLE GOULD

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

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Counsel for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF ANCA GRIGORESCU

Sworn April 9, 2018

I, **ANCA GRIGORESCU**, of the City of North York, in the Province of Ontario, Canada,

SOLEMNLY MAKE OATH AND DECLARE:

1. This affidavit is based upon my own personal knowledge and experience of the matters and facts herein.
2. I believe that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me.

3. Glencolton Farms produces high standard and high quality raw milk and raw milk products as a biodynamic organic farming operation with grass-fed, healthy cows. My family and I consumed Glencolton Farms raw milk for 13 years. As the result of the injunction against Glencolton Farms and the enforcement of the restrictions against its distribution of raw milk and raw milk products, my family and I were forced to stop consuming raw milk and raw milk products all together. I do not believe it is fair for the law to force me (us) into not consuming raw milk at all when raw milk properly processed, as at Glencolton, provides definite health benefits.

4. An alternative available to us is to drive to the United States to get raw milk and bring it back across the border. I do not know whether the quality of raw milk will be the same as Glencolton Farms. Further, I have to pay high duty charges when I bring it back to Canada.

5. By not being able to legally obtain raw milk in Ontario, I have been deprived of its health benefits, which are fundamental to my life and security of person.

6. I make this affidavit on behalf of myself for the truth of its contents and for no other or improper purpose.

SWORN BEFORE ME at the Town of Toronto, in the Province of Ontario on April 9, 2018.



Commissioner for Taking Affidavits
(or as may be)



ANCA GRIGORESCU

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

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Counsel for the Applicants

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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF MARIA HELMS

Sworn April 7, 2018

I, **MARIA HELMS**, of the City of Burlington, in the Province of Ontario, Canada,

SOLEMNLY MAKE OATH AND DECLARE:

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. I grew up drinking raw milk in Germany, where my family farmed biodynamically. I believe that the microbes in raw milk are beneficial to my body.
5. My family and I have been consuming raw milk from a biodynamic farm in Ontario for 15 years. It is important to me to continue having this choice of food legally.
6. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
7. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
8. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
9. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
10. I do not accept the conclusions in paragraphs 8 and 9 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw

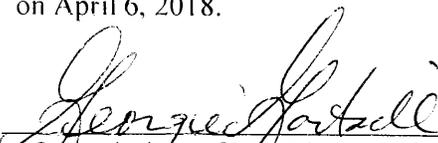
milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.

11. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.

12. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.

13. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the City of Burlington, in the Province of Ontario on April 6, 2018.


George Garside, Commissioner for Taking Affidavits
Acting Deputy Clerk for The Corporation of the City of Burlington, Regional Municipality of Halton.



MARIA HELMS

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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Counsel for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF ANDREA LEMIEUX

Sworn April 7, 2018

I, **ANDREA LEMIEUX**, of the City of Toronto, in the Province of Ontario, Canada,
SOLEMNLY MAKE OATH AND DECLARE:

1. This affidavit is based upon my own personal knowledge and experience of the matters and facts herein.
2. I believe that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me.

3. Glencolton Farms produces high quality raw milk and raw milk products, which I consumed for over fifteen years. As a staple of my diet, I was consuming three glasses of raw milk daily, which I am now unable to do.
4. As the result of the injunction against Glencolton Farms and the enforcement of the restrictions against its distribution of raw milk and raw milk products, I am forced to either stop drinking milk or forced to acquire raw milk from another supplier. Glencolton Farms produces milk that is meant to be consumed raw and therefore at a higher standard. I am concerned that raw milk from other sources does not have as high a standard, is not as transparent as Glencolton Farms and therefore is less accountable. I do not believe it is fair for the law to make me choose between consuming raw milk with a risk of contamination or not consuming raw milk at all when raw milk properly processed, as at Glencolton, provides definite health benefits.
5. Since I have been unable to legally obtain raw milk from Glencolton Farms, I have tried non-homogenized sheep's, goat's, and water-buffalo's milk that have been "pasteurized at the lowest possible temperature to meet regulations," but I find I am not able to digest these products, and the taste can't compare with the raw milk, quark, cream, and other raw-milk products from Glencolton Farms. I cannot even enjoy my cup of tea in the morning, as I prefer it with milk.
6. Another alternative available to me is to drive to the United States to get raw milk and bring it back across the border. However, I do not know whether the quality of raw milk would be the same as that of Glencolton Farms. Further, I would have to pay high duty charges when I brought it back to Canada. Lastly, I cannot regularly travel to the United

States for raw milk without undue hardship and a significant impact on my busy work schedule.

- 7. By not being able to legally obtain raw milk in Ontario, I have been deprived of its health benefits, which are fundamental to my life and security of person.
- 8. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the Town of Richmond Hill, in the Province of Ontario on April 7, 2018.

<p><i>Linda Robinson</i> <hr/> Commissioner for Taking Affidavits <i>(or as may be)</i></p>	}	<p><i>Andrea Lemieux</i> <hr/> ANDREA LEMIEUX</p>
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Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

**ONTARIO
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Counsel for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF ALLYSON MCMULLEN

Sworn April 7, 2018

I, **ALLYSON MCMULLEN**, of the Town of Cookstown, in the Province of Ontario, Canada,
SOLEMNLY MAKE OATH AND DECLARE:

1. This affidavit is based upon my own personal knowledge and experience of the matters and facts herein.
2. As a matter of conscience, I believe I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. I believe that raw milk provides me and my family with nourishment as a living, whole and complete food. I support dedicated farmers and their healthy, well-cared-for dairy herds in offering raw milk as a nutrient-dense food, as nature intended.
5. My family and I have been consuming raw milk for almost nine years. Before starting to drink raw milk, many individuals in my family exhibited intolerance to dairy products. Until recently, we were consuming ten litres of milk per week, but now accessing this healthful food involves criminal activity.
6. As a mother of four, every instinct I have drives me to protect our rights to choose our food, its source and natural state of being.
7. My conscientious belief is to preserve farm-to-consumer relationships by purchasing unadulterated, unchanged, all-natural whole foods directly from family farms, including raw milk.
8. Having a direct relationship with our farmer gives us the confidence that the animals are fed and cared for according to our conscientious beliefs.
9. Glencolton Farms produces high quality raw milk and raw milk products. As the result of the injunction against Glencolton and the enforcement of the restrictions against its distribution of raw milk and raw milk products, I am forced to either stop drinking milk or forced to acquire raw milk from another supplier. Glencolton produces milk that is

meant to be consumed raw and therefore at a higher standard. I am concerned that raw milk from other sources do not have as high a standard, are not as transparent as Glencolton Farms and therefore less accountable. I do not believe it is fair for the law to make me choose between consuming raw milk with a risk of contamination or not consuming raw milk at all when raw milk properly processed, as at Glencolton, provides definite health benefits.

10. I cannot, as a matter of conscience, give my family pasteurized milk when I know it is not good for us. I believe creating and maintaining healthy gut flora is important for the health of my family and development of my children. I sprout, ferment and consume live foods in order to optimize our gut flora, and raw milk is a part of that picture.
11. Another alternative available to me is to drive to the United States to get raw milk and bring it back across the border. I do not know whether the quality of raw milk will be the same as Glencolton Farms. Further, I have to pay high duty charges when I bring it back to Canada. Lastly, I cannot regularly travel to the United States for raw milk without undue hardship.
12. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
13. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.

14. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
15. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
16. I do not accept the conclusions in paragraphs 14 and 15 above as complete. I am an applicant in this proceeding because I believe, and as experience and differentiated raw milk studies have demonstrated, raw milk from healthy, well-treated cows – an unprocessed, natural food – provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario and support raw milk farmers in their dedication to providing it.
17. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.
18. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our

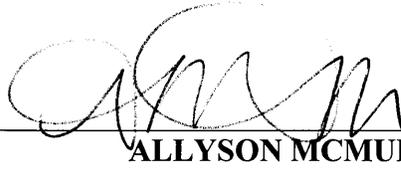
neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.

19. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the Town of Richmond Hill, in the Province of Ontario on April 7, 2018.



Commissioner for Taking Affidavits
(or as may be)



ALLYSON MCMULLEN

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

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Counsel for the Applicants

**ONTARIO
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Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF LILIANA MICULESCU

Sworn April 7, 2018

I, **LILIANA MICULESCU**, of the Town of Aurora, in the Province of Ontario, Canada,

SOLEMNLY MAKE OATH AND DECLARE:

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

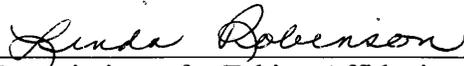
3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. I grew up drinking raw milk. Once I arrived in Canada, I sought out access to raw milk and was fortunate to have had access to high quality raw milk in Canada for over ten years from Glencolton Farms.
5. As the result of the injunction against Glencolton Farms and the enforcement of the restrictions against its distribution of raw milk and raw milk products, I and my family have refrained from consuming raw milk and raw milk products. We have done so because if we were to acquire raw milk from other suppliers, we would be taking a risk that such raw milk would not be as hygienically prepared as products from Glencolton.
6. As a result of the prohibitions in the injunction against the distribution of raw milk, I and my family have been deprived of the health benefits of properly processed raw milk and raw milk products. This is prejudicial to our health and personal security and deprives us of security of person. I do not believe it is right for the law to force me to choose between consuming raw milk with a risk of contamination or not consuming raw milk at all when raw milk properly processed, as at Glencolton Farms, provides definite health benefits.
7. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.

8. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
9. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
10. I do not accept the conclusions in paragraphs 8 and 9 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.
11. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.
12. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would

instead allow us to live our lives according to our consciences and afford us security of person.

13. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the Town of Richmond Hill, in the Province of Ontario on April 7, 2018.



Commissioner for Taking Affidavits
(or as may be)

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.



LILIANA MICULESCU

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**PROCEEDING COMMENCED AT
TORONTO**

AFFIDAVIT

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Counsel for the Applicants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

James Lansing Affleck, John Baak, Eric Bryant,
Carol Celenza, Sanda Draga, Werner Fabian, Karen Fliess,
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Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg,
Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF ERA NOVAK

Sworn April 7, 2018

I, **ERA NOVAK**, of the Town of Bradford West Gwillimbury, in the Province of Ontario,
Canada, **SOLEMNLY MAKE OATH AND DECLARE:**

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. I drank raw milk from my earliest infancy. Consuming raw milk is a treasured part of my cultural heritage and is integral to my spiritual values. I tried to live without it when I moved to Canada and could not initially find it, but then my daughter, at 12 months of age, developed constant chest congestion and wheezing once she started consuming pasteurized milk products at daycare. Our pediatrician could only recommend using a steroid puffer, but on a naturopath's advice we eliminated pasteurized milk, which completely cleared all the symptoms. Soon after that, we found an Ontario raw milk cow-share to join. My daughter, now eight years old, has enjoyed exceptionally robust good health over the seven years she has been drinking raw milk daily.
5. I believe that milk is one of the most nutritious foods there is, and it is especially important for children, so access to raw milk – a clean, unadulterated, unprocessed food – is absolutely critical for my family's health. I believe in the freedom of informed choice when it comes to nutrition, and prohibiting my family access to this nutritionally dense food that I grew up with is a violation of our rights.
6. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
7. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.

8. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
9. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
10. I do not accept the conclusions in paragraphs 8 and 9 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.
11. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.
12. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would

instead allow us to live our lives according to our consciences and afford us security of person.

13. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the Town of Richmond Hill, in the Province of Ontario on April 7, 2018.



Commissioner for Taking Affidavits
(or as may be)

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.



ERA NOVAK

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
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Counsel for the Applicants

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Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF MASCHA PERRONE

Sworn April 7, 2018

I, **MASCHA PERRONE**, of the Town of Kettleby, in the Province of Ontario, Canada,

SOLEMNLY MAKE OATH AND DECLARE:

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. The freedom of conscience goes beyond food and into all aspects of my life. I try as much as possible to eat the best foods in their most natural state and I rely on natural medications whenever possible.
5. My family and I have been consuming raw milk for 14 years. My young children have grown into healthy young adults, and I believe the raw milk has been foundational to them thriving.
6. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
7. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
8. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
9. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.

10. I do not accept the conclusions in paragraphs 8 and 9 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.

11. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.

12. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.

13. I make this affidavit on behalf of myself in support of my application and for no other or improper purpose.

SWORN BEFORE ME at the Town of Richmond Hill, in the Province of Ontario on April 7, 2018.

A handwritten signature in cursive script that reads "M Perrone". The initial "M" is large and stylized, with a loop that extends upwards and then curves back down to the left. The rest of the name "Perrone" is written in a fluid, connected cursive style.

Commissioner for Taking Affidavits
(or as may be)

MASCHA PERRONE

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

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Counsel for the Applicants

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Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF JERRY PUCHYR

Sworn April 7, 2018

I, **JERRY PUCHYR**, of the City of Toronto, in the Province of Ontario, Canada, **SOLEMNLY**
MAKE OATH AND DECLARE:

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. I was born in Czechoslovakia and grew up on raw milk. In the 1980's we came to Canada and finally three years ago I found access to raw milk again.
5. My son, who was born last year, is drinking only raw milk, which he needs for his health. I truly believe my son, my wife and I need this food for our health and wellbeing.
6. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
7. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
8. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
9. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
10. I do not accept the conclusions in paragraphs 8 and 9 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw

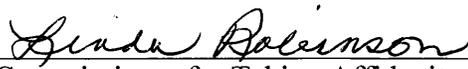
milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.

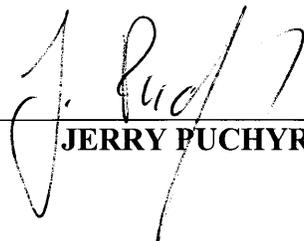
11. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.

12. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.

13. I make this affidavit on behalf of myself in support of my application and for no other or improper purpose.

SWORN BEFORE ME at the Town of Richmond Hill, in the Province of Ontario on April 7, 2018.


Commissioner for Taking Affidavits
(or as may be)


JERRY PUCHYR

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
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Counsel for the Applicants

ONTARIO
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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF LIZIA RENNA

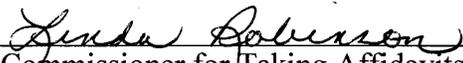
Sworn April 7, 2018

I, **LIZIA RENNA**, of the City of Toronto, in the Province of Ontario, Canada, **SOLEMNLY**
MAKE OATH AND DECLARE:

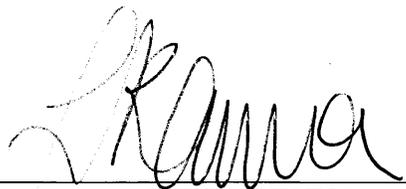
1. This affidavit is based upon my own personal knowledge and experience of the matters and facts herein.
2. I believe that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. Glencolton Farms produces high quality raw milk and raw milk products, which my family and I consumed for approximately ten years.
4. As the result of the injunction against Glencolton Farms and the enforcement of the restrictions against its distribution of raw milk and raw milk products, my family and I have refrained from consuming raw milk and raw milk products. We have done so because if we were to acquire raw milk from other suppliers we would be taking a risk that such raw milk would not be as hygienically prepared as products from Glencolton.
5. My family and I are unable to consume commercial milk products as they are harmful to our health. As a result of the prohibitions in the injunction against the distribution of raw milk, I and my family have been deprived of the health benefits of properly processed raw milk and raw milk products. This is prejudicial to our health and personal security. I do not believe it is right for the law to force me to choose between consuming raw milk with a risk of contamination or not consuming raw milk at all when raw milk properly processed, as at Glencolton, provides definite health benefits.
6. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the Town of Richmond Hill, in the Province of Ontario on April 7, 2018.



Commissioner for Taking Affidavits
(or as may be)



LIZIA RENNA

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
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Counsel for the Applicants

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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF MARIA-THERESIA ROEMMELT

Sworn April 7, 2018

I, **MARIA-THERESIA ROEMMELT**, of the Town of Richmond Hill, in the Province of
Ontario, Canada, **SOLEMNLY MAKE OATH AND DECLARE:**

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. The biodynamic farming method and practices used by Glencolton Farms aspire to the highest standards in all areas of farming. They rest on the premise that matter is never without spirit: this holistic approach precludes, among other things, the use of pesticides, herbicides, bovine growth hormones and genetically modified organisms in all aspects of farming. They also require respect for, and a living connection to, the land and the animals in the farmer's care. The products which are a result of this approach are of superior quality, highly beneficial to human health and cannot be found anywhere else on the normal market.
5. My family and I have been consuming raw milk and raw milk products for over 18 years. Both of our children have consumed raw milk all their lives and are in excellent health.
6. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
7. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
8. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption

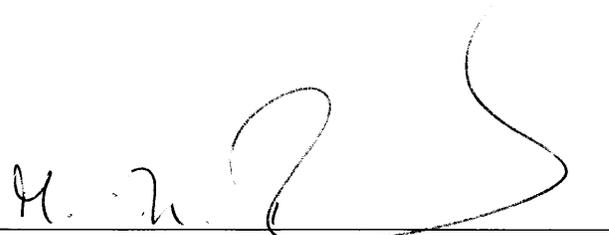
therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.

9. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
10. I do not accept the conclusions in paragraphs 8 and 9 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.
11. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.
12. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.

13. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the Town of Richmond Hill, in the Province of Ontario on April 7, 2018.


Commissioner for Taking Affidavits
(or as may be)


MARIA-THERESIA ROEMMELT

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
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Counsel for the Applicants

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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF AMY STEIN

Sworn April 24, 2018

I, **AMY STEIN**, of the City of Toronto, in the Province of Ontario, Canada, **SOLEMNLY**

MAKE OATH AND DECLARE:

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. My family and I started consuming raw milk in 2011. In 2014, we bought a farm property. Although I own a farm and I know how to transform raw milk in my kitchen into cheese and other dairy products, I am physically unable to milk a cow due to an upper limb birth defect. At present, I am unable to access raw milk from my neighbours without unreasonable and undue hardship, or the threat of prosecution.
4. Obtaining raw milk from my neighbours' grass-fed cows is important for the enzymes and other microbes it contains. It is a truly local living food that is foundational to our health.
5. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
6. For the reasons above, I make an application under sections 2(a), 7, 15, 24 and 52 of the *Canadian Charter of Rights and Freedoms*.
7. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
8. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
9. I do not accept the conclusions in paragraphs 7 and 8 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw

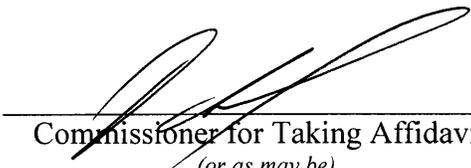
milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.

10. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.

11. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.

12. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the City of Toronto, in the Province of Ontario on April 24, 2018.



Commissioner for Taking Affidavits
(or as may be)



AMY STEIN

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

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PROCEEDING COMMENCED AT
TORONTO

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**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

James Lansing Affleck, John Baak, Eric Bryant,
Carol Celenza, Sanda Draga, Werner Fabian, Karen Fliess,
Merle Gould, Maria Helms, Allyson McMullen, Liliana Miculescu,
Paul Noble, Era Novak, Mascha Perrone, Jerry Puchyr,
Maria-Theresia Roemmelt, Amy Stein, Frank van den Berg,
Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF FRANK VAN DEN BERG

Sworn April 7, 2018

I, **FRANK VAN DEN BERG**, of the City of Markham, in the Province of Ontario, Canada,

SOLEMNLY MAKE OATH AND DECLARE:

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. My wife has suffered for at least 20 years from myalgic encephalomyelitis (ME) also known as chronic fatigue syndrome (CFS). Her symptoms include numerous food and inhalant allergies and intolerances, intermittent nausea and vomiting, abdominal bloating, intestinal inflammation, insomnia, severe joint pain and muscle weakness, fatigue, dizzy spells, and asthma. My wife also suffers from Multiple Chemical Sensitivity (MCS), and cannot eat most food items. There is no drug-based cure for this syndrome and in most cases, patients must manage themselves and their lives aggressively to regain and maintain functionality.
5. Pasteurized milk products have long been impossible for my wife to digest, so she researched carefully the anecdotal data around raw milk and the theories as to why it can be so beneficial. The fact that heat damages enzymes and immune factors irreparably, as well as the way heat changes the nature of fats and proteins made sense to her of why raw milk might be very different from pasteurized milk. She read extensively about the potential for contamination of milk and resultant spread of disease, and became convinced that the factors involved in making raw milk safe are scrupulous milk handling practices and the health of the cows, which is very dependent on excellent herd management.
6. My wife, daughter and I have been consuming raw milk for 15 years. The difference it has made in our health has been remarkable. I do not say that my wife is cured, but the

reduction in her most debilitating symptoms has been dramatic. Vastly improved sleep and digestion have been the biggest benefits. The quality and amount of sleep that she experiences is approximately an 80% improvement. As far as digestion goes, the benefits are myriad. In addition to her ability to eat, keep down and digest the actual milk products themselves, she finds that her general digestion of other foods is also improved, so she experiences a significant reduction in nausea, stomach pain, bloating and flatulence on an ongoing basis. Her joint pain and breathing difficulties are also significantly ameliorated.

7. Without access to raw milk my wife's reactivity to inhalants is heightened, which coupled with the joint pain makes her housebound.
8. After our access to raw milk from our herd at Glencolton Farms was taken away from us, my family decided to try to get a replacement supply elsewhere. We were desperate for this, as the butter I churn from the cream we get is a key element in my wife's very limited diet. In fact, her diet is limited to a very small number of items with butter from Glencolton Farms being a key factor. Without it, she starts (within a week or so) to suffer body pain and other symptoms. Naturally, we were adamant and 100% dedicated on finding a legal replacement or substitute..
9. After doing some research, we discovered that drinking raw milk is completely legal in Ontario, that transporting one's own raw milk is completely legal in Ontario, that purchasing raw milk is legal in New York state (as well as over 40 other states), and that importing raw milk into Canada from the USA is completely legal.

10. Armed with this knowledge, we searched for farmers in the USA who would be able to sell us high quality raw milk and cream such as what we had bought from Glencolton Farms. We found an Amish farmer in Pennsylvania who was willing to bottle several gallons of each and courier it to us directly, as he wasn't aware of the state of Canadian and Ontario law prohibiting raw milk distribution. Therefore, in order to keep within the law, we declined and asked him to ship it to a FedEx office, the closest of which was in Niagara Falls, NY. We prepaid him for our order, plus the shipping costs and I then drove my car to NY, despite the burdensome amount of time and energy it took, and picked up the milk and cream. Upon crossing the border back into Canada, I discovered that there was a 240% tariff on milk and milk products, which I paid to the Canada Border Services Agency.
11. Once home, I churned the cream into butter for my wife and temporarily, we breathed a sign of relief. A couple of days later, however, when my wife used the butter for the first time, our relief turned to alarm as she experienced nausea to such an extent that she started to vomit. We have never had that result with milk from Glencolton Farms. My daughter and I have been able to eat the butter from the USA, so there's certainly no contamination. However, it just doesn't live up to the needs of my wife's digestive capabilities the way butter from Glencolton Farms does.
12. This puts us in a very difficult situation as my wife must have the nutrition and health benefits of Glencolton Farms butter, which is now no longer available to her. As luck would have it, we had generated a small surplus prior to the injunction and we are husbanding that very carefully, but we worry for the future.

13. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
14. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
15. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
16. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
17. I do not accept the conclusions in paragraphs 15 and 16 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.
18. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.
19. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience

dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.

20. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the Town of Richmond Hill, in the Province of Ontario on April 7, 2018.



Commissioner for Taking Affidavits
(or as may be)

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.



FRANK VAN DEN BERG

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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Counsel for the Applicants

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Elisa Vander Hout, Beverley Viljakainen and Eleanor Zalec

Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF BEVERLEY VILJAKAINEN

Sworn April 6, 2018

I, **BEVERLEY VILJAKAINEN**, of the Municipality of West Grey, in the Province of Ontario,
Canada, **SOLEMNLY MAKE OATH AND DECLARE:**

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. I ceased consuming commercial pasteurized milk many years ago due to gastrointestinal inflammation. I have since thrived on the raw milk products that I have been consuming for 25 years. Now in my 81st year of life, I am exceedingly well and do not yet feel old.
5. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
6. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
7. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
8. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.
9. I do not accept the conclusions in paragraphs 7 and 8 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.

10. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.
11. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.
12. I make this affidavit on behalf of myself in support of my Application and for no other or improper purpose.

SWORN BEFORE ME at the
Municipality of West Grey, in the
Province of Ontario on April 6, 2018.



Commissioner for Taking Affidavits
(or as may be)

Susan Madeline Butler
a Commissioner, etc.,
Province of Ontario,
for Fallis Fallis & McMillan
Barristers and Solicitors.
Expires September 11, 2018.



BEVERLEY VILJAKAINEN

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

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Applicants

- and -

The Attorney General of Ontario and the
Attorney General of Canada

Respondents

AFFIDAVIT OF ELEANOR ZALEC

Sworn April 7, 2018

I, **ELEANOR ZALEC**, of the Town of Aurora, in the Province of Ontario, Canada,

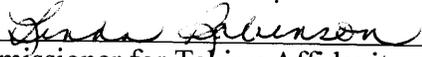
SOLEMNLY MAKE OATH AND DECLARE:

1. I make this affidavit from my own personal knowledge and experience of the matters and facts herein.
2. I hold, as a matter of conscience, that I should have the right to obtain raw milk from a farm in Ontario for the health benefits that I truly believe, and as studies have demonstrated, raw milk provides to me and my family.

3. At present, unless I were to live on my own farm and process raw milk on that farm, I am unable to access raw milk without unreasonable and undue hardship, or the threat of prosecution.
4. I believe that raw milk provides me and my family nourishment as a living, whole and complete food. I wish to support dedicated farmers and their healthy, well-cared-for dairy herds in offering a nutrient-dense food, as nature intended.
5. Drinking raw milk is consistent with our desire to consume real, whole, unprocessed foods with maximum nutrient density. My family and I have been consuming raw milk for approximately 7 years.
6. By not being able to legally obtain raw milk in Ontario, my family and I are deprived of its health benefits, which are fundamental to our lives and security of person.
7. For the reasons above, I make an application under sections 2(a), 7, 24 and 52 of the *Canadian Charter of Rights and Freedoms* and section 121 of the *Constitution Act, 1867*.
8. I acknowledge that some studies state that improperly produced raw milk may pose microbial hazards. I acknowledge that according to these studies, raw milk consumption therefore carries, in rare cases, a risk of negative health consequences, which can be severe or even fatal.
9. I also acknowledge that there are scientists who believe that the benefits of consuming raw milk remain unclear, and that proving such benefits requires further investigation.

10. I do not accept the conclusions in paragraphs 8 and 9 above as complete. I am an applicant in this proceeding because I believe that, and as studies have demonstrated, raw milk provides health benefits, and as such, my family and I should have the right to obtain raw milk from farms in Ontario.
11. Although there are conflicting opinions regarding the safety and health benefits of raw milk, other first world nations have accepted scientific conclusions that raw milk, when properly produced, is safe for human consumption. Many of these nations have laws allowing individuals the same rights that I seek.
12. I believe that the values that underlie Canada's political and moral traditions demand that I should be free to hold and to manifest whatever beliefs and opinions my conscience dictates, so long as such manifestations do not injure my neighbours or their parallel rights to hold and manifest beliefs and opinions of their own. An exemption that allows individuals to process, sell, and distribute raw milk in Ontario, in containers having a detailed warning label advising of the risks of consuming raw milk, would not injure our neighbours or inhibit them from manifesting beliefs and opinions of their own. It would instead allow us to live our lives according to our consciences and afford us security of person.
13. I make this affidavit on behalf of myself in support of my application and for no other or improper purpose.

SWORN BEFORE ME at the Town of Richmond Hill, in the Province of Ontario on April 7, 2018.



Commissioner for Taking Affidavits
(or as may be)

Linda Dianne Robinson, a Commissioner, etc.,
Province of Ontario, for Gardiner Roberts LLP, Lawyers.
Expires August 17, 2018.



ELEANOR ZALEC

JAMES LANSING AFFLECK et al.
Applicants

-and-

THE ATTORNEY GENERAL FOR ONTARIO et al.
Respondents

Court File No.

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Respondents

Court File No. CV-18-591744

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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TORONTO

APPLICATION RECORD

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