

October 29, 2020

The Province of New Brunswick
c/o The Office of the Attorney General
Chancery Place, 675 King Street
Fredericton, NB E3B 1E9

Dear Sirs/Mesdames:

**Re: Canadian Civil Liberties Association v. The Province of New Brunswick,
Notice Pursuant to the Proceedings Against the Crown Act**

We are counsel to the Canadian Civil Liberties Association (“CCLA”). The CCLA is national human rights organization committed to defending the rights, dignity, safety, and freedoms of all people in Canada. Its head office is located at 90 Eglinton Avenue E, Toronto ON, M4P 2Y3.

On October 14, 2020, the CCLA sent Premier Higgins and Health Minister Dorothy Shephard a letter demanding that the Province of New Brunswick repeal Schedule 2(a.1) of *Regulation 84-20* to the *Medical Services Payment Act*, R.S.N.B. 1973, c. M-7 as it is a discriminatory law that denies women, girls and transgender people fair access to abortion services.

This letter provides formal notice, pursuant to section 15 of the *Proceedings Against the Crown Act*, R.S.N.B. 1973, c. P-18, that the CCLA will be commencing an action against the Province in the Court of Queen’s Bench of New Brunswick, Judicial District of Fredericton. A copy of CCLA’s draft Statement of Claim is attached, which details the nature of the claims being made and the relief sought.

CCLA remains hopeful that the Province will respect the constitutional rights of its residents and will repeal Schedule 2(a.1) of *Regulation 84-20*, which is arbitrary, denies critical healthcare disproportionately to women, girls and trans people, violates their privacy rights, and creates barriers which have harsh impacts on marginalized and low-income populations. Repealing this discriminatory law and creating accessible, publicly funded abortion in New Brunswick is not only a constitutional matter, but is a fundamental human rights issue.

However, if the Province is not prepared to do so, the CCLA will commence this litigation. In light of the important issues underlying this action, including the time-sensitive rights of women, girls and trans people (which are being exacerbated by the COVID-19 pandemic as it further limits their ability to access abortion services), we ask that the Province waive the two-month requirement under the *Proceedings Against the Crown Act*.

If the Province is not prepared to waive the two-month requirement, the CCLA will immediately commence this action upon the expiry of the two-month period, at which time it will bring a motion seeking public-interest standing. Once it obtains standing, the CCLA expects to move the

lawsuit forward expeditiously. Therefore, the CCLA requires the Province to begin collecting relevant documents in order to prepare for the discovery phase of the action, which the CCLA will expect to commence as soon as pleadings close.

Yours truly,


Andrew Bernstein

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