



Affidavit #1 of Craig Knight
September 29, 2009

No. S-090663
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CANADIAN INDEPENDENT MEDICAL CLINICS ASSOCIATION, CAMBIE SURGERIES CORPORATION, DELBROOK SURGICAL CENTRE INC., FALSE CREEK SURGICAL CENTRE INC., OKANAGAN HEALTH SURGICAL CENTRE INC., and ULTIMA MEDICAL SERVICES INC.

PLAINTIFFS

AND:

MEDICAL SERVICES COMMISSION OF BRITISH COLUMBIA, MINISTER OF HEALTH SERVICES OF BRITISH COLUMBIA and ATTORNEY GENERAL OF BRITISH COLUMBIA

DEFENDANTS

AND:

SPECIALIST REFERRAL CLINIC (VANCOUVER) INC.

DEFENDANT BY COUNTERCLAIM

AFFIDAVIT

I, CRAIG KNIGHT, Assistant Deputy Minister, Ministry of Health Services, 1515 Blanshard Street, City of Victoria, Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS THAT:

1. I am the Assistant Deputy Minister in the Corporate Policy, Legislation and Intergovernmental Relations Branch of the Ministry of Health Services, and as such I have personal knowledge of the matters deposed to herein.

2. I have reviewed the Affidavit of Dr. Brian Day sworn on 14 September 2009 in these proceedings, and I make this Affidavit in response thereto.
3. At paragraphs 6 through 8 of his Affidavit, Dr. Day refers to a meeting held on 24 October 2007. I was present at that meeting, and I recall it very well. My recollection of what occurred at that meeting differs somewhat from Dr. Day's.
4. The purpose of the meeting was to discuss complaints the Ministry had received about extra billing by Cambie Surgical Centre, which had been referred to the Medical Services Commission. The Commission was considering an audit of Cambie, and Dr. Day was resisting that possibility. Gord Macatee, the Deputy Minister of Health, and I went to talk with Dr. Day to see whether we could resolve his concerns about an audit.
5. Paragraph 7 of Dr. Day's Affidavit accurately summarizes what he said to us at the meeting.
6. The Deputy and I advised Dr. Day that the *Chaoulli* decision on which he was relying was clearly pertinent only to the Quebec *Charter of Rights and Freedoms*. He saw it differently.
7. At the end of the meeting, Dr. Day agreed to reconsider the Commission's request to audit the clinic. His greatest concern was that the Commission would be looking at patient records other than the ones in respect of which the Commission had received complaints.

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A F F I D A V I T

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