



Affidavit #1 of Anokh Aadmi
Sworn October 5, 2012
No. S090663
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

**CAMBIE SURGERIES CORPORATION, CHRIS CHIAVATTI by his litigation guardian
RITA CHIAVATTI, MANDY MARTENS, KRYSTIANA CORRADO by her litigation
guardian ANTONIO CORRADO and ERMA KRAHN.**

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.

DEFENDANTS BY COUNTERCLAIM

**DR. DUNCAN ETCHES, DR. ROBERT WOOLARD, DR. GLYN TOWNSON, THOMAS
MCGREGOR, THE BRITISH COLUMBIA FRIENDS OF MEDICARE SOCIETY,
CANADIAN DOCTORS FOR MEDICARE, MARIËL SCHOOFF, DAPHNE LANG,
JOYCE HAMER, MYRNA ALLISON, and CAROL WELCH**

INTERVENERS

AFFIDAVIT #1 OF MR. ANOKH AADMI

I, Anokh Aadmi, businessman, of Vancouver, MAKE OATH AND SOLEMNLY AFFIRM THAT:

1. I am a patient of Dr. Brian Day at the Cambie Surgery Centre and as such, I have personal knowledge of the information stated herein, except where stated to be on information and belief, in which case I believe it to be true.
2. I make this affidavit in support of Cambie Surgeries Corporation's (herein referred to as "CSC") and Specialist Referral Clinic's ("SRC") opposition to the injunction sought by the Medical Services Commission (the "Commission") to prohibit CSC and SRC from providing medical services in contravention of certain provisions of the *Medicare Protection Act* (the "Act") (specifically sections 17(1) and 18(3), which relate to billing practices for benefits under the *Act*) prior to a ruling on the constitutionality of these provisions. I understand that if the injunction is granted, it will prevent patients in British Columbia from seeking medical care at SRC and CSC, even when faced with unreasonable wait times in the public health care system.
3. I believe that individuals in British Columbia who are experiencing symptoms that have a serious negative impact on them, and are faced with unreasonable wait times in the public health care system, should have the same access that I had to the timely medical services provided by the CSC and the SRC. I also believe that this should not be altered or changed until it is determined whether this is a constitutional right for all residents of British Columbia.
4. I am currently 77 years old and work as a businessman in the Lower Mainland, operating several businesses and commercial rental properties.
5. My physical health and fitness are very important to me, and have been for a number of years. When I was 65 years of age, I began participating in track and field events and competing in provincial, national and international events with athletes in my age group, and have continued since that time. Currently, at 77 years of age, I am extremely fit and active.

6. I am a competitive runner. I have competed in two World Masters Athletics (“WMA”) Championships. The WMA organizes, regulates and administers athletic competitions for athletes thirty-five years of age and older. Prior to the WMA Championships, I have also competed several times in Masters Athletics Championships on the provincial and national level.
7. I have won a number of events in the WMA Championships. I competed in the Kamloops’ 2010 World Masters Indoor Athletics Championships where I received a gold medal in the 400 meter dash.
8. In July, 2011, I participated in the WMA Outdoor Track and Field Championships in Sacramento, California. This event included approximately 5000 participants from 98 countries. I obtained a gold medal in the 300 meter long hurdles, a bronze medal in the 400 meter dash, a bronze medal in the 200 meter dash and I came in fourth place in the 100 meter dash. In addition to running, I also participated in the shot put, the hammer throw, and the weight-throw events.
9. High intensity and short distance running is my hobby and my passion and I plan on attending the next WMA Outdoor Championships in Porto Alegre, Brazil, in 2013.
10. In July 2011, while participating in the WMA hurdles competition, I began to feel a pain in my right knee. I informed my personal running coach, Harold Morioka, who told me to continue stretching and properly warming up before my races. I was able to complete my races, but I continued to feel a pain in my right knee.
11. Following July 2011, and continuing through to May 2012, the pain in my right knee was becoming increasingly worse. The pain would occur after warming up, which I always do before exercising, and would continue after my training. I was very concerned because it affected my ability to exercise and train and I was worried I would not be able to compete in the 2013 WMA Outdoor Championships.
12. The pain in my knee continued to get worse over time. It became so bad that I could not

- sleep at night and I felt constant pain when I moved. I had trouble going up and down stairs. This was very upsetting as I have always been in very good health. I was forced to stop running and training around March 2012. My regular routine, prior to my knee pain, included running on a track 3 times a week and weight training at the gym 1 to 2 times per week. My overall health and well-being also began to suffer when I was unable to train, as running was my primary way of maintaining my health.
13. Between July 2011 and May 2012, I went to see my family doctor, Dr. Robert Love, a practitioner at a walk-in clinic on Victoria Drive and 41st street, in Vancouver, on several occasions to discuss my health. During these visits, I mentioned I was experiencing a pain in my right knee. On one of these occasions, Dr. Love suggested that physiotherapy might help ease the pain. Following his advice, I went to one physiotherapy session, however I did not believe it would help my knee.
 14. My personal running coach, Harold Morioka, who had been aware of my knee pain since at least July 2011, and was aware of the negative effect it was having on my training and my life, suggested that I go to the Cambie Surgery Centre (operated by CSC), to see Dr. Brian Day. My coach told me that Dr. Day would be able to diagnose and remedy my knee pain more rapidly than going through the public health care system.
 15. On September 6, 2011, I paid \$900 to get an MRI at Canada Diagnostic Centre in Vancouver.
 16. In May 2012, I went to see Dr. Love and again told him about the ongoing pain in my knee. I told him that I did not want to wait long for a diagnosis and surgery. I explained that this was because I am an athlete, my health is my number one priority and training for the 2013 WMA Championships is very important to me. Dr. Love told me that it would be a long wait to see a specialist. Although he did not specify a time frame, he suggested that if I did not want to wait I could go to a private clinic.
 17. On May 29, 2012, I had a consultation with Dr. Day at Specialist Referral Clinic for which I paid \$500. He suggested that I have more X-rays done to diagnose the problem

with my knee. The X-rays were sent to Dr. Day and my family physician, Dr. Love. My X-rays were done at an X-ray laboratory on Victoria Drive and I did not have to pay for them.

18. The results of the X-rays and the MRI revealed a tear of the right medial meniscus.
19. Dr. Day discussed my diagnosis and treatment options and explained to me the nature of the meniscal lesion. He advised me that if the symptoms persisted or worsened that I would require arthroscopic surgery and gave me literature relating to the procedure. He also told me that my recovery time would be approximately 8 weeks.
20. I was very reluctant to have surgery of any kind and decided to seek the opinion of a sports doctor at the University of British Columbia ("UBC"). I saw Dr. Taunton at UBC on June 11, 2012 to discuss my injury and to discuss alternatives to surgery. He instructed that I perform certain exercises for two months that might help with the pain.
21. After approximately two months, on August 17, 2012, I returned to Dr. Taunton at UBC because the exercises had not helped. Dr. Taunton suggested that I undergo surgery for my right knee. Dr. Taunton told me that it would be a long wait in the public health care system, although he did not specify how long. Dr. Taunton was aware that I wanted to have my knee problem resolved as quickly as possible.
22. Following my August appointment with Dr. Taunton, I accepted that surgery was the only way to resolve my knee problem. I wanted to have the surgery as soon as possible, so I could begin my recovery. I contacted the Cambie Surgery Centre. The receptionist scheduled me for an appointment within the week. On August 23, 2012, I underwent arthroscopic surgery performed by Dr. Day. I went into the Cambie Surgery Centre in the morning, the surgery took approximately half an hour and I was able to go home the same day. I paid \$4000 for the surgery.
23. Since the surgery, approximately one month and a half has passed, and my right knee feels very good. I started walking two days after the surgery and I have been able to do certain exercises like indoor bike riding and walking.

- 24. During my follow-up consultation with Dr. Day on October 2, 2012, I was told that my recovery would take approximately one more month. Although I am not able to run yet, Dr. Day suggested that I could begin jogging on a treadmill.
- 25. I am very happy that I could have my knee surgery so soon after my diagnosis, because I believe I will have enough time to recover and begin training for the 2013 WMA Championships in Brazil.
- 26. I would not be able to compete in the 2013 WMA Championships if I had to wait many months in the public health care system to receive my knee surgery.
- 27. By going to a private clinic and paying for a medically necessary treatment, I believe I am helping the public health care system by not adding my name to the wait lists, thereby not extending the wait times.
- 28. I am happy to pay my hard-earned money to restore my health and my lifestyle and to regain what is important to me, in a timely manner.
- 29. If SRC is not able to provide timely specialist consultations and if CSC is not able to provide timely surgeries to patients such as myself, this will cause unnecessary pain and suffering to residents of British Columbia, who would not otherwise be able to access timely medical services

AFFIRMED BEFORE ME at the City of)
Vancouver, in the Province of British)
 Columbia, this 5 day of October, 2012)

Ania Kolodziej)

A Commissioner for taking affidavits)
 in the Province of British Columbia)

Ania Kolodziej
 Exp. August 31 2014

Anokh Aadmi)

ANOKH AADMI