

Clerk's stamp:



COURT FILE NUMBER

2003 04263

COURT

COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE

EDMONTON

APPLICANT

PROGRESS ALBERTA  
COMMUNICATIONS LTD.

RESPONDENT

HER MAJESTY THE QUEEN IN RIGHT  
OF ALBERTA

DOCUMENT

**ORIGINATING APPLICATION**

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT

Attention: Heidi N. Besuijen  
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File No: 117540-001-HNB

**NOTICE TO RESPONDENT(S)**

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date	February 26, 2020
Time	2:00 p.m.
Where	Law Courts Building, Edmonton, Alberta
Before	Justice R.P. Belzil

Basis for this claim:

1. Progress Alberta Communications Ltd. ("Progress Alberta") is a media organization; it was founded in 2016. Since 2016, Progress Alberta has released a weekly newsletter the "Progress Report". The Progress Report is currently distributed to approximately 10,000 to 12,000 subscribed readers.
2. In October 2019, Progress Alberta applied to the Communications and Public Engagement Office ("CPE") to be accredited for the purposes of the media embargo to be held on 24 October 2019 in advance of the release of the 2019 Alberta budget.

3. Progress Alberta was accredited and participated in the media embargo held on 24 October 2019.
4. Subsequently, Progress Alberta reported on the 2019 Alberta Budget.
5. Prior to February 21 2020, Progress Alberta applied to the CPE to be accredited for the purposes of the media embargo to be held on 27 February 2020 in advance of the release of the 2020 Alberta budget.
6. On 24 February 2020, Progress Alberta received notification that it had been reviewed and a determination made that it was an advocacy organization and, as such, that it was being denied accreditation.
7. Progress Alberta was provided no information as to the review which had been performed or the information considered on that review.
8. Progress Alberta was given no opportunity to address the Respondent in regard to this decision prior to it being made.
9. On 24 February 2020, counsel for Progress Alberta wrote to the Honourable Travis Toews seeking access for Progress Alberta to the media embargo and requesting a response no later than 3:00 p.m. MT.
10. On 25 February 2020, shortly before 3:00 p.m. counsel for CPE provided notice that access to the media embargo would not be granted to Progress Alberta. The letter from counsel for CPE added further and other reasons relating to the decision to deny access to Progress Alberta.
11. Progress Alberta is concerned the decision to deny it media accreditation is a political decision.
12. On 14 January 2020, Professor Amir Attaran of the University of Ottawa Faculty of Law and Faculty of Medicine wrote a letter to Commissioner Allan in relation actions which appeared to be in retaliation of reporting which Progress Alberta had done during the 2019 Alberta election.
13. Other media outlets which counsel for the Respondent have advised are accredited include Grandin Media and the Toronto Star. Both outlets have clear advocacy objectives.
14. Grandin Media has a stated purpose “to inform and engage through the telling of inspiring stories of Catholic life in today’s world”.
15. The Toronto Star has stated goals which include effect change. It also espouses the Atkinson Principles which address social justice, individual and civil liberties, and the rights of working people.
16. The decision to exclude Progress Alberta was provided without reasons and appears to be arbitrary.

17. If Progress Alberta is not granted access to the 2020 Budget media embargo it lose the opportunity to engage in the enhanced opportunity to clarification and explanation which is provided to media members in the embargo.
18. Progress Alberta will also lose the opportunity to provide its readership timely reporting on the 2020 Budget.
19. No monetary compensation can remedy the harm which Progress Alberta will suffer if it is denied access to the media embargo.

Remedy sought:

20. A mandatory injunction directing the Respondent to provide budget lockup access to Progress Alberta.
21. An Order in the nature of mandamus directing the Respondent to accept Progress Alberta as a media organization.
22. Costs on a solicitor and own client basis.
23. Such further and other relief as this Honourable Court may deem fair and just in the circumstances.

Affidavit or other evidence to be used in support of this application:

24. Affidavit of Duncan Kinney, filed.

Applicable Acts and regulations:

25. *Alberta Rules of Court, Alta Reg 124/2010*

**WARNING**

You are named as a respondent because you have made or are expected to make an adverse claim in respect of this originating application. If you do not come to Court either in person or by your lawyer, the Court may make an order declaring you and all persons claiming under you to be barred from taking any further proceedings against the applicant(s) and against all persons claiming under the applicant(s). You will be bound by any order the Court makes, or another order might be given or other proceedings taken which the applicant(s) is/are entitled to make without any further notice to you. If you want to take part in the application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of this form. If you intend to rely on an affidavit or other evidence when the originating application is heard or considered, you must reply by giving reasonable notice of that material to the applicant(s).