



This is the 1st affidavit
of Peter [REDACTED] this case
and it was made on 26 Aug 2011

No. S112688
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

LEE CARTER, HOLLIS JOHNSON, DR. WILLIAM SHOICHET, THE BRITISH
COLUMBIA CIVIL LIBERTIES ASSOCIATION and GLORIA TAYLOR

PLAINTIFFS

AND:

ATTORNEY GENERAL OF CANADA

DEFENDANT

AND:

ATTORNEY GENERAL OF BRITISH COLUMBIA

INTERVENOR

AFFIDAVIT

I, PETER F. [REDACTED] retired logger, of [REDACTED]
[REDACTED] SWEAR (OR AFFIRM) THAT:

1. I have amyotrophic lateral sclerosis ("ALS") and as such have personal knowledge of the facts and matters hereinafter deposed to, save and except where same are stated to be made on information and belief, and where so stated, I verily believe them to be true.

2. I am a 71 years old. I am a retired logger. I have been married to my wife for 42 years. I have two wonderful daughters, [REDACTED] 42 years old and [REDACTED] 38 years old. I also have one granddaughter who is 11 years old. We are a very close-knit family.

3. All of my life, I was strong, fit and healthy. I made my living harvesting lumber, working outdoors in all kinds of conditions.

4. Early in 2008, I noticed that I was starting to lose weight and some muscle. I started to experience muscles twitches throughout my body. I did not know what was going on with me and I started to get worried.

5. I made an appointment with my family physician. He referred me to a neurologist in Vancouver, Dr. Raed Alroughani. Dr. Alroughani referred me to Dr. Hannah Briemberg at the ALS Centre in Vancouver's GF Strong Rehabilitation Hospital for further neurological examinations. In November 2009, I met with Dr. Briemberg and she carried out a comprehensive assessment, review and consultation. She told me the tests were inconclusive, and she could not determine if I had ALS or a myopathy, which is a broad term for muscle disease. In January 2010, I had a follow up appointment with Dr. Briemberg. After another series of tests, she informed me that I had ALS.

6. ALS is a fatal neurodegenerative disease. People with ALS become progressively paralyzed. Most people die within two to five years of diagnosis.

7. I was completely shocked by the diagnosis. I felt total disbelief and I went into denial. I tried to dismiss the diagnosis, putting it out of my mind. I told myself that I felt fine – a little slim, but nothing to worry about. The twitching did not even bother me at first.

8. As the next several months progressed, my body started to undergo drastic changes. I lost the use of first my right hand, then my left. I started to lose strength in my arms and shoulders. Soon I could not brush my teeth, shave or even dress myself. I could not do anything that required the use of my arms. My legs became weak and unsteady. My feet became clumsy. I had difficulty lifting the front of my foot, something that is known as "footdrop." I fell five times, each time cracking my head on a cement floor. I started to be very afraid of instability. My wife started pushing me around the house with a manual wheel chair, transferring me from place to place.

9. Very quickly, everything became a huge struggle for me. Standing, walking, and getting up from a chair became very difficult for me. My wife started having to do more and more

things for me, including bathing me, dressing me, and even helping me with toileting. I became emotional and wondered why I had been stricken with this terrible disease. Why me?

10. Now, I cannot stand or walk on my own because I do not have any muscles or fat. There is no strength left in my body. I have lost my appetite and I am wasting away. I can only tolerate eating porridge, bananas and liquid meal drinks and the occasional cookie because I have gastroparesis, a stomach disorder. The muscles in the wall of my stomach do not work properly, preventing my stomach from emptying properly. I cannot digest food without the help of medication. The food I am forced to eat is very boring, and that makes it difficult to have an appetite. I have been taking the medication for some time now, but now it does not help me as much because I have developed a tolerance. Sometimes I will indulge in a small bite of whatever my family is eating and then I suffer with stomach pains that will last for a couple of days. That ends up leaving me weaker and more unsociable.

11. I am incapable of doing the simplest tasks. I cannot scratch my head. I cannot turn the pages of a newspaper. I feel like I have turned into a blob with useless limbs. My wife does almost everything for me except feed me. I am not about to stop feeding myself. I have always said that I will never allow anyone to feed me. I have a specially made spoon that I lift with two hands to my mouth, which does not always work too neatly. It is very hard and slow for me.

12. I often feel dizzy and light-headed. I have been told that this is likely because I am having trouble breathing. I sleep a lot during the day because I am bored. At night I have trouble sleeping due to the fact that I do not have any muscles to hold my organs in place. Therefore when I lie down my bladder goes onto its side, giving me the impression that it is already full and that I have to urinate. My wife sometimes gets up every hour to lift me and put me on the portable toilet. I can only sleep on my side because lying on my back is very uncomfortable due to the fact that my organs are pressing towards my back. The nights are very long.

13. I have no energy. I tire easily and I am very weak. It is awful to have to live in this state. I feel useless and miserable and unhappy. I used to be 5'11" at 165 lbs. I am no longer that man. I now weigh 111 lbs. I am a skeleton.

14. I cannot believe how quickly everything changed. I cannot believe how quickly I have fallen apart and wasted away. My wife took a photograph of me in January 2010 just after I learned I had ALS. I was still healthy then. Attached hereto and marked as **Exhibit A** to this my Affidavit is a true copy of a photograph my wife took of me dated January 2010. Recently, my wife took another picture of me. Attached hereto and marked as **Exhibit B** to this my Affidavit is a true copy of a photograph of me dated August 11, 2011. My decline has been relentless.

15. There are so many things that I miss about my old life before I had this disease. I miss my outdoor times with my daughters. We used to go quadding, camping, swimming, and boating. We loved to be doing active things together outdoors. I miss not being able to drive a car. I used to enjoy working on my car, but of course I cannot do that anymore. I used to enjoy repairing things and tinkering around my shop at home. It gave me a lot of pleasure to do basic house maintenance and little fix-it jobs. All that is gone. I miss going to restaurants with my family and friends.

16. I am very lucky to have the support of my wife. She is a trooper. She is very calm with me and she has a lot of patience, even when I am frustrated with my disabilities and have impatient, angry outbursts. She is incredibly loving and never makes me feel as though I am a burden, or that she does not deserve this life. I could not ask for a more devoted companion.

17. I have lost my independence. I have lost the ability to do the things I love. I feel like I have lost almost everything. I still have my mind, but it is a terrible thing to be a mind trapped in a wasted body. There is no future for me. I know there is not a cure for ALS. There is no reason for me to hope.

18. For the moment, I am able to sit in a chair. I can use my wheelchair to get around the house. The only freedom and independence that I still feel is when my wife and I go outside; she walks and I drive my powered wheel chair. We live in a flat area so we are able to tour through the subdivision. Now, even that is becoming tiring for me. The wheel chair is becoming more uncomfortable for my back because my spine and tail bone are too exposed. I am terrified that I will become bedridden and will have to live the rest of my days waiting to die, just staring at four walls. I do not ever want to be put on life support. To be lying on a bed, just lying there, hour after hour, day after day – the thought of it scares me because I hate being immobilized and stuck

in one place. I have always been a free-spirited person, loving the outdoors and the action around me – that is why I spent most of my life as a logger.

19. When I am ready to call it quits, I would like to be able to have a doctor with me to end my life with peace and dignity. For me, it is all about wanting choice – the ability to make decisions about my own life, my own body, and how much suffering I can take. Nobody wants to die – I do not want to die. Right now, I am not ready to end my life. I am still able to move around and I have some independence. I am still somewhat functioning. I have my family that I love. But when I become bedridden, that is where I will draw the line. I will know then that it is time to go.

20. When I was first diagnosed, I considered committing suicide. I was going to blow my head off. I have a gun and I seriously considered doing it. I decided that I could not do that to my family. It would be horrible to put them through something like that. I would hate to say goodbye to the world in such an ugly manner. I want a better choice than that. I would only want to end my life if I had talked it through with my family first, and made the decision calmly and rationally, not out of depression or shock. Now, even if I wanted to, I could not take my life - I would not be able to hold anything or have the strength to do anything to myself. I could not hold a gun. I could not hang myself. I could not take medication without having my wife mix it into my porridge for me.



21. I would like my life to end in a dignified way, with the help of a doctor, and in a way that is not painful for my family. I would like to be at home and to have my family gathered around me. When my suffering becomes unbearable, I want to have the right to end my life with dignity. Everything has been taken away from me except for my body. My body belongs to me, and it always will. The government should not be able to tell me what I can do with my body; the government should not be able to control my body.

SWORN (OR AFFIRMED) BEFORE ME)
at Kelowna, British Columbia, on 26 Aug)
2011)



A Commissioner/Notary for taking)
Affidavits for British Columbia)

BRENT L. RENTIERS
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800 - 1708 Dolphin Avenue
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PETER 

This is Exhibit A referred to in the Affidavit of Peter [redacted] sworn (or affirmed) before me on 26 Aug 2011.



A Commissioner/Notary for taking Affidavits for British Columbia



This is Exhibit B referred to in the Affidavit of Peter [redacted] sworn (or affirmed) before me on 26 Aug 2011.



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INTERVENOR

AFFIDAVIT

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