

COMMONWEALTH OF THE BAHAMAS


IN THE SUPREME COURT

Public Law Division

SUPREME COURT
 JAN 28 2019
 Nassau, Bahamas

2013/PUB/jrv/00012

*Received
10.08 am
11m C.M.
in Court
while he
sitting*



IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

BETWEEN

THE QUEEN

AND

THE RIGHT HONOURABLE PERRY CHRISTIE
PRIME MINISTER
OF THE COMMONWEALTH OF THE BAHAMAS
 (sued in his capacity as Minister responsible for Crown Lands)

First Respondent

THE HON. PHILLIP E. BRAVE DAVIS
DEPUTY PRIME MINISTER
OF THE COMMONWEALTH OF THE BAHAMAS
 (sued in his capacity as Minister of Works and Urban Development and the
 Minister Responsible for Building regulation)

Second Respondent

THE HON. GLENYS HANNA-MARTIN
MINISTER OF TRANSPORT AND AVIATION
OF THE COMMONWEALTH OF THE BAHAMAS
 (sued in her capacity as the Minister Responsible for Ports and Harbours)

Third Respondent

THE TOWN PLANNING COMMITTEE

Fourth Respondent

PETER NYGARD

Fifth Respondent

KEOD SMITH

Sixth Respondent

COALITION TO PROTECT CLIFTON BAY & 2 Others

Applicant

AFFIDAVIT OF DR. LYNWOOD BROWN

I, **Dr. Lynwood L. Brown** of Serenity Subdivision in the Western District of the Island of New Providence in the Commonwealth of the Bahamas, General Medical Practitioner, make oath and say as follows:

- (1) That I am a citizen of the Commonwealth of the Bahamas having been born in this jurisdiction on the 12th April, 1972.
- (2) That I am a registered (No.1049) licensed general practitioner specializing in the area of concierge medicine. I commenced my medical practice in July of 1999. I have an active practice with a wide degree of experience. My valid driver's licence and certificate of practice for 2019 is now produced and shown to me marked as exhibit "**LLB 1**".
- (3) That I am familiar with Mr. Peter Nygard whom I have met in The Bahamas at his house in Lyford Cay and in other public settings a number of times over the last few years. In those meetings, I have had the opportunity of speaking with him about his interest of seeing the science of stem cell being administered in The Bahamas.
- (4) That while I have not had the occasion of medically treating him in the normal course of my medical practice in The Bahamas, I have attended his home to treat one of his sons for jellyfish stings.
- (5) That after being informed by one of Mr. Nygard's Attorneys, Mr. Keod Smith that Mr. Nygard needed to speak with a local physician about whether certain medical challenges he was experiencing in Canada at the time, could be treated in The Bahamas if he were to come here this weekend, I made myself professionally available to consult with him about his symptoms.
- (6) That I was given the following recent medical history of Mr. Nygard when I spoke with him:
 - (a) As a result of him experiencing numbness in his hand, thumb and forefinger as well as severe pain in his knee and shoulder, he had to be and did attend treatment in New York by Dr. Douglas Schottenstein who administered 84 regenokine injections to his spine and other joints over the period of 14th January 2019 through to 21st January 2019. He had

been diagnosed with nerve damage and that the solution was to attend Dr. Douglas Schottenstien.

(b) The pain treatment with Doctor Schottenstien did not work as it is that as at 27th January 2019, Mr. Nygard continued to suffer physical pain in the treated areas.

(c) During that period, while still in New York (ending on 22nd January 2019) Mr. Nygard was also required undergo testing and treatments which were overdue. He came under the care of Dr. Florence Comite.

(d) This led to Mr. Nygard having to attend with cardiologist Dr. Kirsten Healy on 17th January 2019 who conducted a stress test on Mr. Nygard although it was not completed due to the machine stopping midway, as did his heart pace-maker. The cause of the malfunctioning of the pace maker has not yet been established.

(e) After having to I traveled every day by plane for the whole of last week, Mr. Nygard arrived in Winnipeg on Friday, 25th January, 2019 in the wee hours of the morning. Immediately following a flight on that day, he experienced the following symptoms which left him:

(i) dizzy and the feeling very faint making it very hard to disembark the plane without the fear of falling; and

(ii) feeling similar to a past occasion when his blood pressure was 160/110 and heart rate over 130. He felt very anxious as he thought he was having a stroke.

(iii) In the past, Mr. Nygard had actually when his vitals and symptoms were as such.

(7) That I was informed by Mr. Nygard that he was then directed by his Internist in Winnipeg, Dr. Harvey Lee, to immediately present to the Emergency Room of St. Boniface General Hospital as he was suffering emergency conditions. A medical letter from Dr. Lee and photographs of me going through triage of the said Emergency Department is now produced and shown to me marked as exhibit “**LLB 2**” and “**LLB 3**”, respectively.

- (8) That Mr. Nygard provided me with another medical note from a Dr Kristjan Thompson who he described as the doctor in charge and who gave him a letter forbidding him to travel out of Winnipeg unless he is released by Chief Interventional Cardiologist - Dr Basem Elbarouni after numerous anticipated tests in Canada are completed beginning yesterday. A medical note from Dr. Elbarouni is now produced and shown to me marked as exhibit "LLB 4".
- (9) That Mr. Nygard informs me that although the fitting of the pace maker has had some favorable affect on his general condition after having met with numerous Specialist, he has also reduced his intake of [HGH] Peptides. However, his Light-Headedness and being out of breath continues, especially when Flying. Walking through airports has a continue to become more and more laborious.
- (10) That from my experiences as a doctor treating patients with similar symptoms, I do believe that the preliminary decision of his Canada-based physicians to ground him in Canada is in the best interest of his health particularly when about a year ago he, as a 77-year old, had to be fitted with a heart pace maker after suffering opposite symptoms of severely low Blood Pressure at 70/35, waking up dizzy gasping for air and having to immediately go on the outside to intake fresh air to fill his lungs. His heart rate was less than 60 at the time.
- (11) That further, given the serious condition of Mr. Nygard, he should not travel to expose himself to additional medical dangers. In particular, I believe that the air-pressure of flying at or over 30,000 feet in order to get to The Bahamas, could be fatal.
- (12) That Mr. Nygard informs me that expresses apology to the Court and the circumstances of his health which unfortunately conflicts with his ordered appearance. He was hopeful about attending but his condition overwhelmed his efforts.
- (13) That as it is that Mr. Nygard wants to be respectful of the Court, he has indicated to me that he is prepared to speak directly to the Court by way of

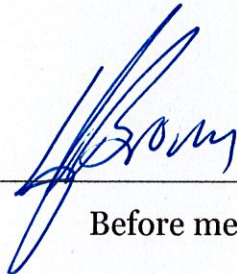
video link or other electronic process so as to offer his apology, if the Court is so minded.

(14) That the matters deposed to in this affidavit are either within my own knowledge (*in which case they are true*) or are based upon information supplied to me by others (*in which case I identify the source of the information and state that those matters are true to the best of my knowledge and belief*).

SWORN at Nassau, N. P.,)

Bahamas this 28th day of)

January, A. D., 2019)



Before me,

A. Thompson
NOTARY PUBLIC



IN THE MATTER OF APPLICATION FOR JUDICIAL REVIEW

B E T W E E N

THE QUEEN

AND

THE RT. HON. PERRY G. CHRISTIE
PRIME MINISTER
OF THE COMMONWEALTH OF THE BAHAMAS
(in his capacity as the Minister Responsible for Crown Lands) (1)

THE HON. PHILIP E. BRAVE DAVIS
DEPUTY PRIME MINISTER
OF THE COMMONWEALTH OF THE BAHAMAS
*(in his capacity as the Minister of Works and Urban Development and the Minister
Responsible for Building Regulation)* (2)

THE HON. GLENYS HANNA-MARTIN
MINISTER OF TRANSPORT AND AVIATION
OF THE COMMONWEALTH OF THE BAHAMAS
(in her capacity as the Minister Responsible for Ports and Harbours) (3)

THE TOWN PLANNING COMMITTEE (4)

PETER NYGÅRD (5)

KEOD SMITH (6)

Respondents

Ex Parte COALITION TO PROTECT CLIFTON BAY

Applicant

CERTIFICATE

These are the exhibits marked "LLB-1", "LLB-2", "LLB-3" and "LLB-4" mentioned and referred to in the Affidavit of Dr. Lynwood L. Brown annexed hereto and sworn to before me on 28th January 2019.


NOTARY PUBLIC

“LLB-1”

GOVERNMENT OF THE COMMONWEALTH OF THE BAHAMAS
ROAD TRAFFIC DEPARTMENT
DRIVER'S LICENCE

D/L# 40808742

Last Name BROWN

First Name ANTHONY

MOJ. No. 100

DOR

15 APR 1972

Expiry

15 MAY 2017

Issue

30 APR 2020

The Commonwealth of the Bahamas
The Medical Act 2011
(No. 29 of 2011)
Licence to Practise
Section 29(1)(a)



This is to certify that LYNWOOD LUCIUS BROWN
was registered in the Medical Register on 10th MAY, 2004
Registration No. 1849 is hereby authorized to engage in the
practice of MEDICINE & SURGERY

THE COMMONWEALTH OF THE BAHAMAS
period ending 31st DECEMBER 20 19

Given under the Seal of the Council

This 30th day of OCTOBER, 2018


Chairman



The Commonwealth of the Bahamas
The Medical Act 2014
(No. 29 of 2014)

The Commonwealth of the Bahamas
The Medical Act 2014
(No. 29 of 2014)
Licence to Practice
Section 20(1)(a)



This is to certify that LYNWOOD LUCIUS BROWN

who was registered in the Medical Register on 10TH MAY, 2004

Registration No. 1049 is hereby authorized to engage in the
practice of MEDICINE & SURGERY

in THE COMMONWEALTH OF THE BAHAMAS

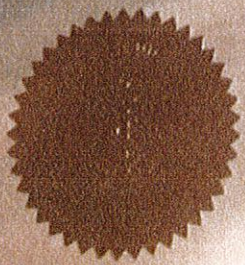
for the period ending 31ST DECEMBER 20 17

Given under the Seal of the Council

This 31ST day of JANUARY, 2017


Chairman

Registrar



“LLB-2”

Close 2nd REVISED LETTER.pdf

Harvey B. Lee, M.D., FRCPC*
Rossmere Medical Centre
1046-C Henderson Highway
Winnipeg, Manitoba
R2K 2M5
Phone: (204) 953-1260
Fax: (204) 338-7580

INTERNAL MEDICINE, ENDOCRINOLOGY & METABOLISM

January 27, 2019

Re: PETER NYGARD
1340 Notre Dame Avenue
Winnipeg, Manitoba
R3E 0P4

M.H.S.C. #:
P.I.L.N. #:
D.O.B. : July 24, 1941

Home: (204)- 982-5840
Work: () -

Last Office Visit: January 26, 2019

To whom it may concern:

Mr. Peter Nygard is under my care as his physician in Winnipeg.

He was instructed by me to go for emergency care to St Boniface General Hospital for consultation in the Cardiology unit section of the Department of Internal Medicine for specialized care.

He is under close monitoring by their team of experts.

He will not be released from monitoring until the St Boniface cardiologist approves.

He is not able to fly and leave Winnipeg until further notice.

Sincerely,



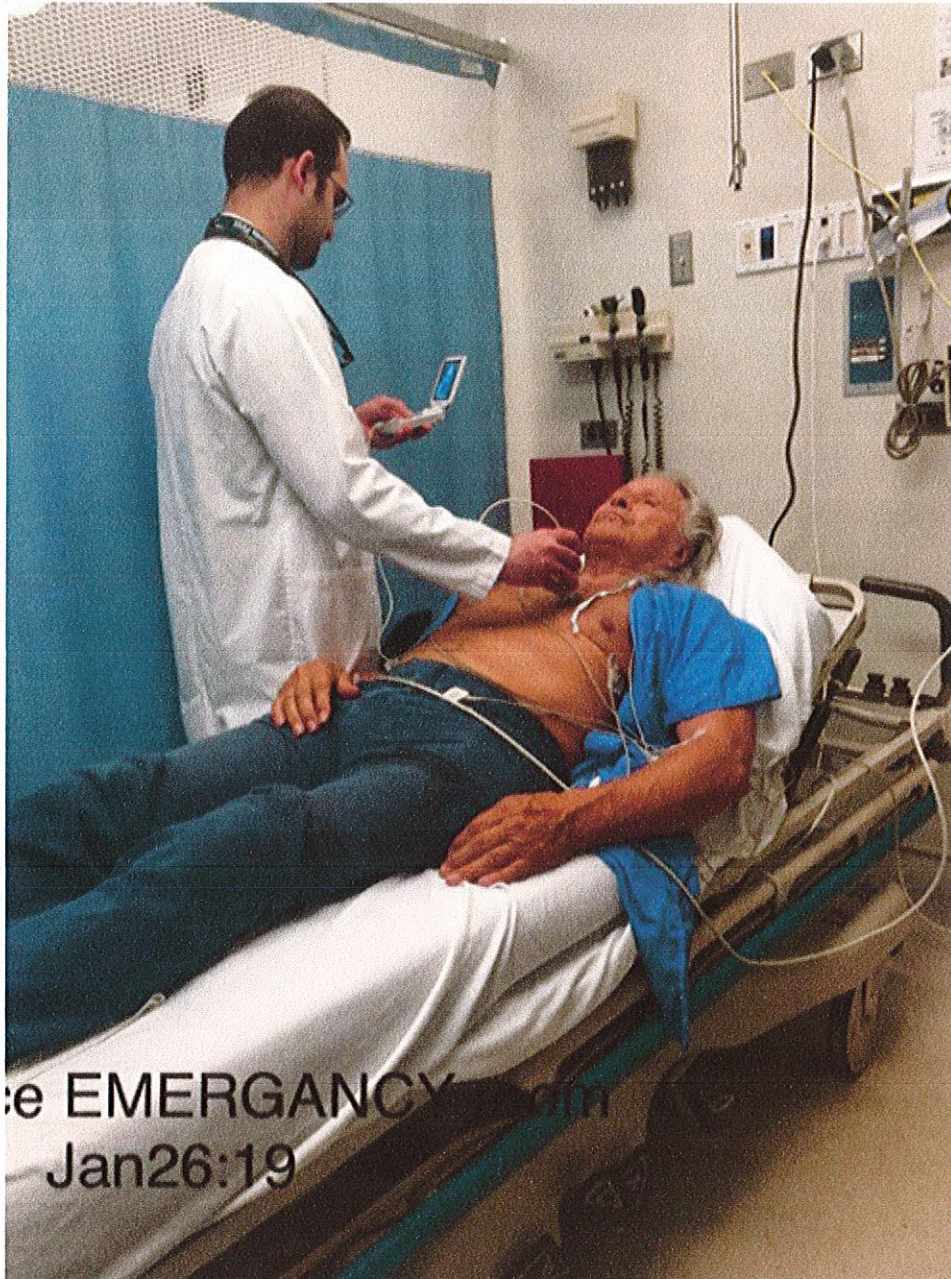
Harvey B. Lee, M.D., FRCPC
HBL:hbl

*denotes medical corporation

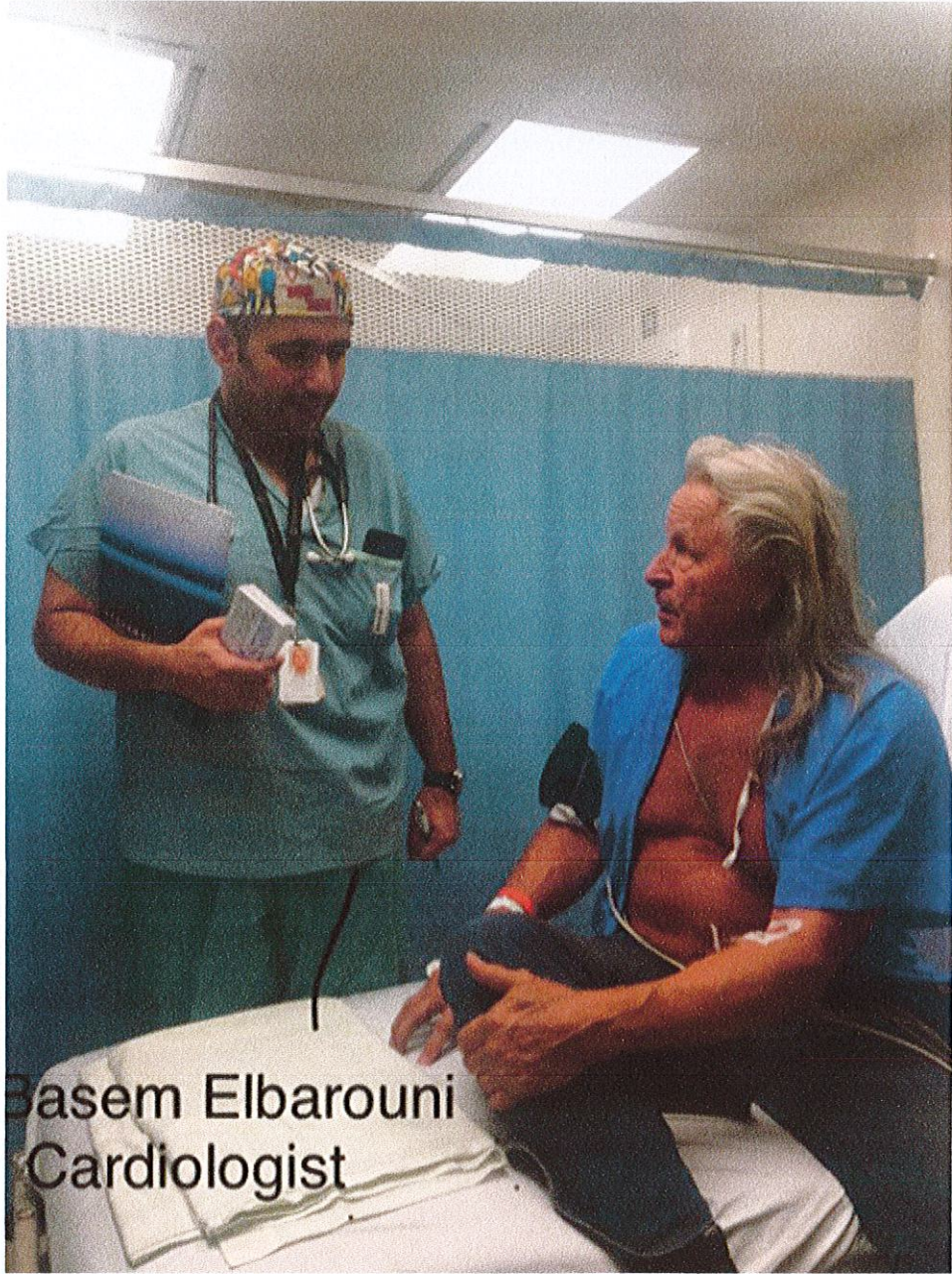
“LLB-3”



EMERGENCY
Room
Jan26/19

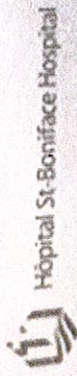


the EMERGENCY room
Jan26:19



Basem Elbarouni
Cardiologist

“LLB-4”



Date: Sat. 26, 2019

0662126
Nygard Peter John

TO WHOM IT MAY CONCERN:

This is to inform you that _____ was seen and treated at the
St. Boniface Hospital Emergency Department.

Thank you!

Yours truly,

Signature: [Signature]
Text

Dr. Kristof Thompson

October 27, 2009 7102-5450-3

_____ was seen and treated at the

Mr. Nygard requires
to stay in Winnipeg
until his cardiac
work-up has been
completed. He cannot
travel until he has
been cleared by his
cardiologist or physician.

Order to stay

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AFFIDAVIT OF DR. LYNWOOD L. BROWN

No. 2013/PUB/jrv/00012

COMMERCIAL LAW ADVOCATES
COMMERCIAL LAW ADVOCATES
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TEL.: (242) 323-2421
Attorneys for the 5th Respondent herein