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Court File No. T-1474-89

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FEDERAL COURT OF CANADA
TRIAL DIVISION

B E T W E E N:

DERRICK COLIN DWYER,
Plaintiff,

- and -

HER MAJESTY THE QUEEN
and THE MINISTER OF DEFENCE,
Defendants.

This is the Examination for Discovery of
DERRICK COLIN DWYER, Plaintiff herein, taken at
the offices of the Department of Justice, Suite
3300, 2 First Canadian Place, Toronto, Ontario,
the 26th day of October, 1990, commencing at
9:00 a.m.

C O U N S E L:

R. J. HUGHES, ESQ., -- For the Plaintiff,

MS. B. A. McISAAC,)
MS. D. McALLISTER,) -- For the Defendants.

ALSO PRESENT: LT. COL. R. A. McDONALD, Office
of the Judge Advocate General.

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D. DWYER - 77

1 484. Q. Have you sought medical, or
2 psychiatric assistance, other than the 14
3 occasions on which you saw service personnel?

4 A. Yes, it does bring on a lot of
5 anxiety, because you have to go to work, you
6 have to perform 110 per cent, because I know
7 they are out to get me. I had to be above and
8 beyond.

9 485. Q. How do you know they are out to
10 get you?

11 A. When your commanding officer
12 tells you he despises homosexuals, he does not
13 want you in his unit, he does not want you in
14 the Armed Forces, you have to more than prove
15 yourself.

16 486. Q. Have you seen any other medical
17 doctors besides the service medical officers?

18 A. I've seen a -- I don't recall his
19 name. There was one psychiatrist that I've
20 seen, yes. It was a civilian recommended by the
21 medical doctors.

22 487. MS. McISAAC: Would you undertake to
23 provide me with his name?

24 MR. HUGHES: Yes.
25

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D. DWYER - 80

1 job, would it?

2 A. Not at 25 CFSD, no.

3 MR. HUGHES: I'm prepared for the
4 record to abandon the relief sought in paragraph
5 'B' on page 4 of the Statement of Claim.

6
7 BY MS. McISAAC:

8 500. Q. And paragraph 'D' of the
9 Statement of Claim, that the relief sought is:
10 "Any negative evaluations or references to the
11 Plaintiff based on his sexual orientation be
12 removed from the records of the CAF, and the
13 Plaintiff's sexual orientation not be considered
14 in future evaluations for advancement in the
15 CAF." What "negative evaluations" do you refer
16 to?

17 MR. HUGHES: At the time the Statement
18 of Claim was filed we did not have full records
19 regarding any evaluations, and on the evidence
20 of what has been presented, I don't have any to
21 refer to.

22 501. MS. McISAAC: Are you abandoning that
23 section of the Statement of Claim as well?

24 MR. HUGHES: As long as I was assured
25 there were no negative evaluations.

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D. DWYER - 81

1 Will you undertake to advise me as to any
2 negative evaluations if they should come to your
3 attention, that you wish to have removed?

4 MR. HUGHES: Those negative
5 evaluations would only be within the knowledge
6 of the Defendant.

7 503. MS. McISAAC: Well, if they come to
8 your attention, will you advise me specifically
9 as to which negative evaluations you are seeking
10 to have removed?

11 MR. HUGHES: Yes.

12 504. MS. McISAAC: All right. Paragraph
13 'E', an interlocutory injunction. I presume you
14 are no longer seeking interlocutory relief?

15 MR. HUGHES: No.

16 505. MS. McISAAC: That is abandoned?

17 MR. HUGHES: Yes.

18 506. MS. McISAAC: In terms of damages, are
19 you seeking only general damages? Any special
20 damages?

21 MR. HUGHES: There would only be
22 general damages outlined for humiliation and
23 loss of income.

24 507. MS. McISAAC: What are you seeking in
25 way of general damages?

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D. DWYER - 82

1 MR. HUGHES: In terms of a monetary
2 figure?

3 508. MS. McISAAC: That's correct.

4 MR. HUGHES: There hasn't been a sum
5 assessed to it.

6 509. MS. McISAAC: What do you mean there
7 hasn't been a sum assessed? The court assess
8 general damages. What are you claiming?

9 MR. HUGHES: In terms of how much?

10 510. MS. McISAAC: Yes.

11 MR. HUGHES: I haven't put a figure on
12 that yet.

13 511. MS. McISAAC: Will you undertake to
14 advise me before trial as to what you are
15 claiming in general damages?

16 MR. HUGHES: Yes.

17 512. MS. McISAAC: No specials being
18 claimed?

19 MR. HUGHES: No.

20 513. MS. McISAAC: Any claim for punitive
21 damages?

22 MR. HUGHES: Humiliation under
23 "General Damages".

24 514. MS. McISAAC: Just general damages.
25 No special punitive damages though?

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- p.28 q. 93 If it does, how does it make the distinction
- p.30 q. 100 Does the Defendant dispute that the Plaintiff ceased to be a peace officer and could no longer carry on the duties of the Military Police. When?
- p.42 q. 156 Correlate the flags referred to in Document No. 25 of Exhibit No. 1 to the Documents in Exhibit No. 1. Provide copies of any flag references not already produced.
- p.50 q. 180 Provide the particulars of any housing allowances that are available to officers in the Military Police
- p.51 q. 186 Provide annual pay increases and increments for officers (relate these to Military Police occupation, lieutenants and captains
- p.52 q. 189 Advise what clothing allowances are provided
- p.53 q. 190 Advise as to vacation entitlement, for her occupation and for rank of lieutenant and captain
- p.55 q. 201 What entertainment is provided on the base, and is it free or subsidized.
- p.56 q. 209 What would Ms. Douglas' Mess Dues have been (from date of releast to date)?

Undertakings given on discovery by Ms. Douglas

- p.65 q. 270 To produce reports of any civilian doctors seen by Ms. Douglas.