

IN THE FEDERAL COURT OF CANADA

TRIAL DIVISION

BETWEEN:

MICHELE POIRIER

Plaintiff

- and -

HER MAJESTY THE QUEEN

Defendant

STATEMENT OF DEFENCE

(filed this 11th. day of January, 1991)

The Deputy Attorney General of Canada, on behalf of the Defendant, in answer to the Plaintiff's Statement of Claim, says as follows:

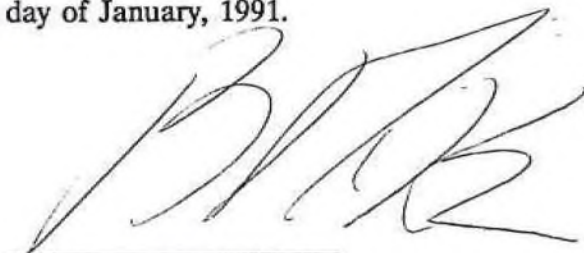
1. Except as expressly hereinafter admitted, he denies the allegations in the Statement of Claim, and he puts the Plaintiff to the strict proof thereof.
2. He admits the allegation in paragraph 1 of the Statement of Claim except that he says that the Plaintiff was not an officer in the Canadian Armed Forces. She was a non-commissioned member.
3. He admits the allegations in paragraphs 2, 3, 5, 11, 12, 13, 14, 15, 16, 17, 18 and 19 of the Statement of Claim.
4. With respect to paragraph 4 of the Statement of Claim, he says that the Plaintiff's homosexuality did not come to the attention of posting authorities.
5. With respect to paragraphs 6 and 7, he says that the Canadian Forces Administrative Order and the Queen's Regulations and Orders for the Canadian Forces speak for themselves.

6. He admits the allegations in paragraph 8 of the Statement of Claim, except that he says that the modifications to the policy were introduced over the period 1988 through 1990.
7. With respect to paragraphs 9 and 10 of the Statement of Claim, he says that the investigation referred to in paragraph 9 was ordered by the Base Security Officer, and he admits the allegations in the first two sentences of paragraph 10, but denies that the conduct of Colonel Coady was contrary to the principles of natural justice or the requirements of Canadian Forces Administrative Order 19-20 or any other policy of the Canadian Armed Forces.
8. He denies the allegations in paragraph 20 of the Statement of Claim and puts the Plaintiff to the strict proof thereof.
9. He has no knowledge of the allegations in paragraph 21 of the Statement of Claim and puts the Plaintiff to the strict proof thereof.
10. With respect to the Statement of Claim as a whole, and paragraphs 22 and 23 in particular, he denies that the actions of the Canadian Armed Forces or its decisions with respect to the Plaintiff were illegal or contrary to law, or that the Policy of the Forces with respect to the retention of homosexuals is contrary to the provisions of the *Charter* or that the Plaintiff's rights have been violated.
11. In the alternative, he says that the said policy is a reasonable limit as provided for by section 1 of the *Charter*.

12. He denies that the Plaintiff has suffered the damage set out in paragraph 24 of the Statement of Claim or that she is entitled to the relief sought in paragraph 24 of the Statement of Claim. He puts the Plaintiff to the strict proof of all such damages and relief.

On behalf of Her Majesty the Queen, the Deputy Attorney General of Canada therefore prays that it be adjudged that the Plaintiff is not entitled to the relief sought in the Statement of Claim and that the Defendant is entitled to costs.

DATED AT OTTAWA this 11th day of January, 1991.



John C. Tait, Q.C.  
Deputy Attorney General  
of Canada  
Per: Barbara A. McIsaac, Q.C.  
Department of Justice  
Room 536  
Justice Building  
239 Wellington Street  
Ottawa, Ontario  
K1A 0H8

Counsel for the Defendant.

TO: The Administrator  
Federal Court of Canada

AND TO: Beard, Winter  
Suite 900  
150 King Street West  
Toronto, Ontario  
M5H 2K4

Attention: John A. Olah  
Solicitors for the Plaintiff.



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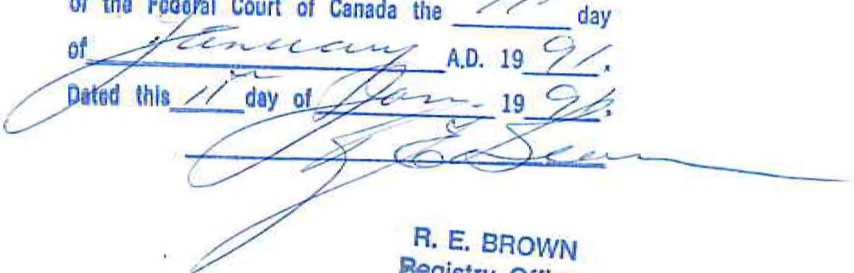
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(613)957-4868

Counsel for the Defendant

I HEREBY CERTIFY that the above document is a  
true copy of the original filed of record in the Registry  
of the Federal Court of Canada the 11<sup>th</sup> day  
of January A.D. 19 91.  
Dated this 11<sup>th</sup> day of Jan. 19 91.

  
R. E. BROWN  
Registry Officer