

IN THE FEDERAL COURT OF CANADA

This is Exhibit A "referred
to in affidavit of
KYLE POHANKA
Sworn before me this 21
day of July A.D. 1993
[Signature]
A Commr. & etc.

B E T W E E N:

MICHELE POIRIER

Plaintiff

- and -

HER MAJESTY THE QUEEN

Defendant



AMENDED STATEMENT OF DEFENCE

(filed this 13th day of July, 1993)

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 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.

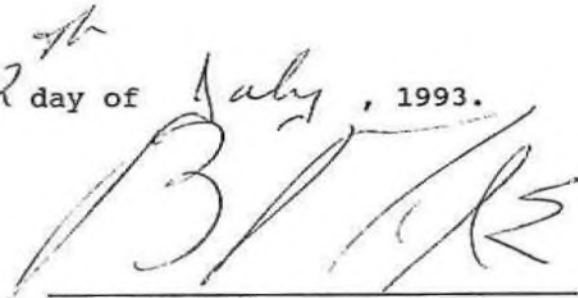
4. With respect to paragraph 4 of the Statement of Claim, he says that the Plaintiffs homosexuality did not come to the attention of posting authorities.
5. With respect to paragraphs 6 and 7, he says that the Canadian Forces Administrative Order and the Queen's Regulations and Orders for the Canadian 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. He says that CFAO 19-20 was applied to the Plaintiff in the Bona fide belief that it did not violate the Canadian Charter of Rights

and Freedoms and that the policies respecting the recruitment and retention of homosexual members were lawful.

11. 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 th 12 day of July, 1993.


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

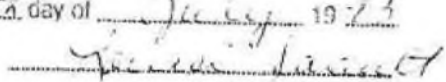
AND TO: Beard, Winter
Suite 900
150 King Street West
Toronto, Ontario
M5H 2K4

Attention: John A. Olah
Solicitors for the Plaintiff

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 13th day

of July A.D. 19 93

Dated this 12th day of July 19 93


LOUISE SARAULT
Registry Officer
Agent du greffe

Court file no. T-3042-90

IN THE FEDERAL COURT OF CANADA
TRIAL DIVISION

B E T W E E N:

MICHELE POIRIER

Plaintiff

- and -

HER MAJESTY THE QUEEN

Defendant

AFFIDAVIT OF SERVICE

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

Counsel for the Defendant