



Incorporating the practice of SMITH LYONS

Suite 2600  
160 Elgin Street  
Ottawa, Ontario  
Canada K1P 1C3  
Telephone (613) 233-1781  
Facsimile (613) 563-9869  
www.gowlings.com

**Neil R. Wilson**  
Direct (613) 786-0171  
neil.wilson@gowlings.com  
File 02340028

March 4, 2002

Dr. Deborah Harrison  
University of New Brunswick  
Department of Sociology  
Tilley Hall, Room 20  
Fredericton, NB  
E3B 5A3

Dear Dr. Harrison:

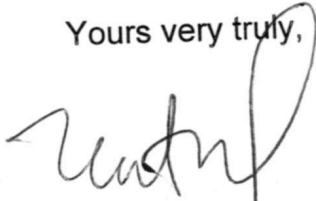
**Re: *Dianne Roy, et al. v. Her Majesty The Queen***  
**Court File No. T-3279-90**

I enclose a copy of the Decision of Mr. Justice McKeown dated March 1, 2002, in this matter.

As you will see from the Decision, Mr. Justice McKeown found that the provisions of the *Canadian Forces Superannuation Act* with respect to survivor benefits **do** infringe section 15 of the *Charter* (although those related to the supplementary death benefit do not) but, in any event, the provisions are not unconstitutional as pursuant to section 1 of the *Charter*, they are reasonable limit upon the infringement. While Justice McKeown clearly held that the survivors benefit provisions discriminate on the basis of marital status and do so in a manner which infringes upon the fundamental dignity of those who are denied the benefits, pursuant to section 1, the provisions are "saved" as they fall within a constitutionally permissible range of choices which Parliament was entitled to make. Accordingly, the action was dismissed.

I will be speaking with the individual Plaintiffs with respect to the possibility of an appeal. However, again, I wanted to thank you for all of your efforts in this matter.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Neil R. Wilson', written in a cursive style.

Neil R. Wilson

NRW:dbl

Encl.