



**The Wilson Moot 2011**  
*Perry et al v. Canada*

**Clarifications**

1. The facts are as found by Dakana J. at trial. No further facts will be considered by the High Court of the Dominion of Canada. The parties should not conduct research to attempt to expand upon, or alter, the facts as found by Dakana J.
2. For the purposes of The Wilson Moot, presume that section 293 of the *Criminal Code* was repealed by the federal government at some point after the appeal decision in *Perry et al. v. Canada*. Assume that the reasons for the repeal of section 293 were unconnected with the issues raised in this case. The High Court of the Dominion of Canada will not entertain submissions linking the repeal of section 293 with the issues before them.
3. Dakana J. also made the following findings at trial:
  - John, Julie and Mona have described their relationship, including their sexual one, as committed and collective. They gave evidence that their sexual intimacy is predominantly experienced as a group, and on occasion in pairs (in every combination). None of them share sexual intimacy with any other person; and
  - John, Julie and Mona are each 41 years of age.
4. The High Court of the Dominion of Canada will only hear argument on the questions on which it granted leave. It will not, therefore, hear argument on section 2(a) or any other section of the *Charter*. The parties may, however, base their section 15 argument on any enumerated or analogous ground(s) as they see fit.
5. The parties are not limited to addressing the remedy sought at trial in their submissions on question 3.
6. The Administrators are aware that some of the materials from the British Columbia reference concerning section 293 of the *Criminal Code* are available online. Mooters are not prohibited from reviewing these materials in the course of their research and preparation, however, their attention is drawn to the prohibition on the introduction of further facts as set out in #1 above.

## MCEWAN, CYNTHIA

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**From:** MCEWAN, CYNTHIA  
**Sent:** Tuesday, January 11, 2011 8:48 AM  
**To:** Daimsis, Anthony; Elliot, Robin; Faherty, Sara; Johnson, Carol; Kalajdzic, Jasminka; Knapton, Juliet; Lahey, Kathleen; Larsen, Matthew; Love, Nanette; Lugtig, Sarah; Martin, Margaret; Parkes, Debra; Pastorius, Diane; Ryder, Bruce; Young, Margot  
**Cc:** GILLILAND, RYDER  
**Subject:** Further Clarification re: The Wilson Moot 2011  
**Importance:** High

We have received an inquiry as to whether mooters may make reference to the legislative history of the Civil Marriage Act (including, e.g. to the Hansards relating thereto) in their submissions. For the purposes of the Wilson Moot, assume there was no debate in the legislature regarding the Civil Marriage Act. Nothing in this further clarification prevents teams from reviewing Hansard in developing their position/ arguments, but no reference to such materials shall be made in their facta or oral submissions.

If you have any questions, please do not hesitate to contact me.

Regards,

Cynthia McEwan  
Administrator of The Wilson Moot  
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## MCEWAN, CYNTHIA

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**From:** MCEWAN, CYNTHIA  
**Sent:** Tuesday, January 25, 2011 3:26 PM  
**To:** Daimsis, Anthony; Elliot, Robin; Faherty, Sara; Johnson, Carol; Kalajdzic, Jasminka; Knapton, Juliet; Lahey, Kathleen; Larsen, Matthew; Love, Nanette; Lugtig, Sarah; Martin, Margaret; Parkes, Debra; Pastorius, Diane; Ryder, Bruce; Young, Margot  
**Cc:** GILLILAND, RYDER  
**Subject:** Further Clarification re: The Wilson Moot 2011  
**Importance:** High

The organizers are issuing the following additional clarification:

For the purposes of The Wilson Moot, presume that sections 290-291 of the *Criminal Code* were repealed by the federal government at some point after the appeal decision in *Perry et al. v. Canada*. Assume that the reasons for the repeal of sections 290-291 were unconnected with the issues raised in this case. The High Court of the Dominion of Canada will not entertain submissions linking the repeal of sections 290-291 with the issues before them.

If you have any questions, please do not hesitate to contact me.

Regards,

Cynthia McEwan  
Administrator of The Wilson Moot  
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