

Gay man drops suit against Ottawa

Five-year fight focused on survivor pension

By Sherri Borden
Court Reporter

A Halifax man whose partner died of AIDS in 1993 has dropped a lawsuit against the federal government in which he sought survivor benefits under the Canada Pension Plan.

James Bigney, who fought for the benefits for more than five years, filed a lawsuit in March 1999 at Nova Scotia Supreme Court in Halifax.

But Mr. Bigney filed a one-page notice of discontinuance Jan. 26 with the court.

The notice, signed by Mr. Bigney's lawyer Anne Derrick, doesn't specify why the suit was discontinued.

It's not known if Mr. Bigney has reached a settlement with the government under new federal legislation that allows spousal benefits for gay couples.

Under legislation adopted last year, gay and lesbian couples receive all the spousal rights, benefits and obligations of heterosexual couples for tax, pension and other purposes.

Mr. Bigney said Thursday night he preferred not to comment on the reasons for dropping the case.

Ms. Derrick and federal Justice Department lawyer Michael Donovan said Thursday they wished to consult with each



Jim Bigney, pictured here in a 1995 photo with fellow gay activist Jane Kansas, has dropped his lawsuit against the federal government. The Halifax man was seeking Canada Pension Plan survivor benefits after his partner died of AIDS in 1993.

other before commenting on the case.

In the suit, Mr. Bigney challenged the definition of spouse under the Canada Pension Plan Act because it excluded people who are gay and lesbian based simply on their sexual orientation.

Mr. Bigney lived with John Morrow in a conjugal relation-

ship from March 1982 until Mr. Morrow's death in November 1993.

In 1999, Nova Scotians Wilson Hodder and Paul Boulais became the first gay men in the country to receive survivors benefits from the Canada Pension Plan. The two fought for four years to have the definition of spouse changed in the act.

The duo also earlier success-

fully challenged the definition of spouse in provincial law. Both men's partners had worked for the Education Department.

In May 1998, Nova Scotia became the first province in Canada to recognize gay and lesbian couples as equal to heterosexual ones.

Mr. Hodder, an AIDS activist, died last July.

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