

July 28, 2014

Victor Montagliani and Peter Montopoli
Canadian Soccer Association (“CSA”) and Women’s World Cup Canada 2015
237 Metcalfe Street
Ottawa, Ontario K2P 1R2
c/o Kelly Santini LLP

Joseph S. Blatter and Lydia Nsekera
Fédération Internationale de Football Association (“FIFA”)
FIFA-Strasse 20,
P.O. Box 8044 Zurich, Switzerland
c/o Legal@FIFA.org

Re: Equal Playing Fields at the 2015 World Cup

Dear Mr. Montagliani, Mr. Montopoli, Ms. Nsekera and Mr. Blatter:

We request an opportunity to speak with you regarding the proposal to play the FIFA Women’s World Cup Canada 2015 on artificial turf, a surface widely recognized as inferior in international soccer. The proposal is discriminatory and violates Canadian law. Particularly egregious is your plan to play the penultimate and final games at BC Place. One commentator has called the aging plastic pitch there a “dreadful surface”; several international players—male and female—say it’s like playing on concrete.

For the equitable, business, and legal reasons summarized below, singling out this women’s tournament for substandard treatment is a mistake that can and must be corrected. With your cooperation, we believe that this matter can be resolved through reasonable discussion. However, if your organizations will not engage in a meaningful dialogue on how to correct the discriminatory treatment of women players, we are prepared to pursue legal action which we are confident should succeed.

Regardless of the outcome of our discussions or litigation, the players we represent are committed to participating in Canada 2015. Nonetheless, proposing that world-class female athletes be singled out to play on a second-class surface is wrong and should be unacceptable to your organizations, your broadcast partners, and your corporate sponsors. It is a disservice not just to the players but to their fans around the world. It contradicts the Canadian government’s claim that “Canada is a world leader in the promotion and protection of women’s rights and gender equality.” And it runs counter to the statement FIFA chose as a quote of the year for its 2013 Women’s football review: “The word football doesn’t differentiate between male and female. Football is a game featuring 22 players and one ball, and it’s the same for both men and women.”

Our Clients, Supporters and International Team of Attorneys

We write on behalf of many of the world's greatest current players including Germany's Nadine Angerer (the 2013 FIFA player of the year), Brazil's Fabiana Da Silva Simões, Mexico's Teresa Noyola, Spain's Verónica Boquete, Americans such as Abby Wambach (the 2012 FIFA player of the year), Alex Morgan and Heather O'Reilly, along with players from New Zealand, Costa Rica, and several other nations. As you should know, dozens of other players from teams across the globe (including Japan, Sweden, France and England) have signed petitions and made public statements calling on you to utilize grass rather than artificial fields. Earlier this month, the entire Australian women's national team voiced its opposition to your plan.

Supporters of our position include not just current players but coaches as well. Silvia Neid, FIFA's 2013 coach of the year, has stated that "a World Cup on artificial turf is a no-go. We'll be turned into guinea pigs. It's a completely different game on that surface. FIFA has to make sure that we play on proper fields." Countless former players also back our cause including Canadian Soccer Association Hall of Famer Carrie Serwetnyk. In addition, we are being assisted by leading sports advocates and organizations including Nancy Hogshead-Makar and the Women's Sports Foundation.

An international team of lawyers is representing the above-mentioned elite athletes including my law firm and attorneys with the premier Canadian firm of Osler, Hoskin & Harcourt LLP.

Why Providing Equal Fields is the Right Thing to Do

The best players in the world deserve premier playing surfaces. Simply put, artificial turf is not a premier surface in the soccer world. According to media reports, the Canadian men's soccer team refused to play on turf fields during 2014 World Cup qualifying. No men's World Cup final has ever been played on anything other than grass. The men's World Cups in 2018 and 2022 will be held on grass. Just as importantly, no women's World Cup final has ever been played on anything other than grass. Indeed, your own organizations recognize that artificial turf is a second-class surface. As the CSA's first official Ambassador for World Cup 2015 has said: "no soccer player prefers FieldTurf. It pales in comparison to a well-manicured grass pitch and takes some getting used to." And according to a FIFA publication, the organization "will always prefer a perfectly manicured grass pitch to an artificial surface."

Athletes and coaches have testified repeatedly about the injury risks they perceive playing on turf. For example, a recent FIFA study concluded that elite soccer players "perceive the injury risk to be higher on football turf pitches than on natural grass". The Head Coach of the Canadian Women's National Soccer Team has expressed concern publicly about the wear and tear turf causes on his players' bodies. In addition, "turf burn" and "turf toe"—injuries unique to artificial surfaces—can sideline a player or hinder her ability to perform. The potential for injury imperils the competitive balance of the World Cup which should be of concern not only to your organizations but to major tournament sponsors and your broadcast partners.

Relegating women to a second-class surface, while simultaneously ensuring that men will play on premier grass fields for years to come, degrades the women's game and all involved with it. Not surprisingly, criticism has been widespread. As a Fox Sports soccer analyst wrote recently: "The players have understandably and rightly been vocal about their dismay, pointing out that the men's World Cup has never been played on plastic." And for Canada, discriminating against female athletes contradicts its avowed commitment to women's sports and to the principle of gender equality. Fortunately, based on our consultations with athletic field experts, we have determined that there are several affordable ways to host the 2015 World Cup on acceptable grass surfaces. With your cooperation, we are certain that we can agree on satisfactory pitches for each and every match.

Why Equal Fields are Legally Required

Should you refuse to voluntarily fix the field situation, legal recourse is available and will be utilized. Consigning women to a second-class surface is gender discrimination that violates European charters and numerous provisions of Canadian law, including human rights codes and the *Canadian Charter of Rights and Freedoms*. By singling out women for differential and unequal treatment, you not only subject the world's top players to heightened risk from an array of turf-related injuries, but you also force them to experience the legally cognizable indignity of playing the game's most important event on what your organizations admit to be an inferior surface. Moreover, artificial turf is wholly unjustified as a financial imperative. The installation of natural grass would cost but a fraction of your organizations' budgets thus defeating any defense of undue hardship.

If you are willing to join us in a good faith dialogue, please respond by letter, email, or phone call to me or to any of the attorneys listed below. We ask that you contact us by or before Monday, August 4th.

Sincerely,

Hampton Dellinger
Boies, Schiller & Flexner
202.274.1152
hdellinger@bsfllp.com

Rocky Collis
BSF
310.752.2415
rcollis@bsfllp.com

Tristram Mallett
Osler
403.260.7041
tmallett@osler.com

Catherine Gleason-Mercier
Osler
416.862.4247
cgleasonmercier@osler.com

cc:

Honourable Dr. K. Kellie Leitch, Minister of Labour and Minister of Status of Women

Honourable Bal Gosal, Minister of State for Sport

Honourable Christy Clark, Premier of British Columbia

Venue General Managers for Women's World Cup Canada 2015

Moya Dodd, Chair of FIFA Task Force for Women's Football