

F.L.D. No. 117 of A.D. 2006

CANADA
PROVINCE OF SASKATCHEWAN

IN THE COURT OF QUEEN'S BENCH
(Family Law Division)
JUDICIAL CENTRE OF SASKATOON

BETWEEN:

[REDACTED]

PETITIONER/RESPONDENT

AND:

[REDACTED]

RESPONDENT/APPLICANT

AND:

THE MINISTER OF COMMUNITY RESOURCES
FOR SASKATCHEWAN,

RESPONDENT

AND:

SASKATOON REGIONAL HEALTH AUTHORITY,

RESPONDENT

AND:

[REDACTED] and [REDACTED]

THIRD PARTY RESPONDENTS

AFFIDAVIT OF [REDACTED]

I, [REDACTED] of Saskatoon, in the Province of Saskatchewan, MAKE OATH
AND SAY THAT:

1. I am a Respondent to the Petition and Application of the Petitioner herein and as such have personal knowledge of the matters and facts herein deposed to accept where stated to be on information and belief, and where so stated I do so verily believe the same to be true.
2. I did have a casual, brief and sporadic sexual relationship with the Petitioner from February 2005 through August 2005, was in the employ of the Petitioner for a period of time in 2005 and did get pregnant from the relationship with the Petitioner.
3. The Petitioner and I never cohabited, nor did we ever contemplate or discuss any plans for a serious future relationship.

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4. Prior to engaging in a sexual relationship with the Petitioner, I was advised by the Petitioner and did verily believe it to be true that he had been involved in a serious accident while working on a road crew and that he was unable to have children because of his injuries.

5. Some time in July or August of 2005 I had an argument with the Petitioner and he became extremely angry, threw various household articles at me, dented a kitchen cabinet and picked me up off my chair, threw me on the couch, sat on me and proceeded to punch me on either side of the head repeatedly. I attempted to get away from him to call the police but was unable to do so. The Petitioner stopped me from using the phone and instead called his friend [REDACTED] who gave me money for a cab. I did not call the police upon returning home nor did I seek out medical treatment, but my one ear was extremely painful and I had substantial hearing loss for several days because of the blows to my ears. I also had bruising on my shoulder and back and called my mother [REDACTED] and my sister [REDACTED] on the day of the assault or the day after to advise them of the assault. The assault on myself was not the first time I had seen the Petitioner lose his temper and become very angry and on one occasion when I was a passenger in a vehicle with the Petitioner, in a fit of rage he drove over a boulevard.

6. I have never seen the Petitioner use drugs himself but when he picked me up to go to a hotel to engage in sexual relations he would bring with him a gram of marijuana and some alcohol.

7. The Petitioner impregnated a woman who worked at the Petitioner's business, [REDACTED] Courier for the Petitioner, whose name was [REDACTED] and whose last name I do not know, but the Petitioner advised me and I do verily believe it to be true that she became pregnant after a one night stand with the Petitioner and after his relationship with me had ended, such that the child would have been born in the late spring or early summer of 2006. The Petitioner advised me in person, and I do verily believe it to be true, that he had considered paying for [REDACTED] to have an abortion.

8. The Petitioner advised me and I do verily believe it to be true that contrary to paragraphs 10 and 11 in the Petition, he had been married before but the relationship had ended when his spouse proved to be unfaithful. The Petitioner gave me no dates for this marriage.

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9. The Petitioner advised me and I do verily believe it to be true he has a teenaged daughter, his 1st born daughter, that was adopted out, and as well another daughter who would now be 17 years old, named [REDACTED] and the Petitioner advised me and I do verily believe it to be true that in the summer of 2005 he had an opportunity to have [REDACTED] live with him, but instead sent her to British Columbia.

10. I am advised by my legal counsel, Gregory Curtis, and I do verily believe the same to be true, that he had a telephone conversation with Ms. Melody Kujawa, a Crown Prosecutor with the Saskatoon Provincial Department of Justice, Prosecutions Unit on September 19, 2006 and Ms. Kujawa advised Mr. Curtis that the Petitioner had been charged in information #32777960 with soliciting sex from a minor, in this case being a 15 year old girl, pursuant to *Criminal Code* section 212(4), that the matter proceeded to a preliminary hearing where the Petitioner was committed to stand trial, that the matter was stayed October 13, 2005 because the victim/witness became unavailable and that further information could be obtained from Saskatoon Police Services Sergeant Debra Altrogge.

11. I am advised by my legal counsel, Gregory Curtis, and I do verily believe the same to be true that he had a telephone conversation September 19, 2006 with Saskatoon Police Services Vice Sergeant Debra Altrogge who confirmed the information provided to my legal counsel by Ms. Melody Kujawa and further added that the victim was 15 years old, looked very much to be 15 years old or younger, was not in the sex trade, was very believable and honest and provided information that she could not have known unless she was in fact approached by the Petitioner for the above stated illegal purpose, but that the victim was a street person and in between the preliminary hearing and the trial date became un-locatable.

12. The Petitioner advised me that some point during our relationship and I do verily believe the same to be true, the exact date of which I cannot remember, that he knew where the above referred to victim/witness lived and was considering "paying her a visit", but I am unaware as to whether or not he ever did follow through with this.

13. Contrary to any suggestion otherwise, my sister [REDACTED]'s involvement in this matter was strictly as a support person and as a sister, and had nothing whatsoever to do with her position with Montreal Lake Child and Family Services.

14. In response to the Affidavit of the Petitioner sworn May 9, 2006, I say the following:

Paragraph 2 - the Petitioner and I had occasional sexual relations from February 2005 through August 2005;

Paragraph 4 - I have joint custody of my daughter with my mother. My daughter was never removed from my care by court order and I deny saying such;

Paragraph 6 - I deny this and further add the Petitioner picked me up for work;

Paragraph 7 - I continued to drive courier for the Petitioner until later November or early December, 2005;

Paragraph 8 - These were never "strangers" to me in my house, only family members who stayed over from time to time;

Paragraph 9 - I deny being high "for days";

Paragraph 10 - This indicates the Petitioner's controlling behaviour. He needed to know where I was all the time and would often drive by my house or call my house late at night, during and after our "relationship";

Paragraph 11 - I deny this entirely;

Paragraph 12 - The Petitioner phoned me frequently after November 2005, especially if a vehicle was parked outside my home;

Paragraph 15 - I was not fired, I quit, did not fill out an application form and was never advised my pregnancy was an issue with my employer.

Paragraph 16 - I most strenuously deny that the Petitioner has never been violent or forceful with me, and restate paragraph 5 set out herein above in this my Affidavit and otherwise say that the Petitioner was often angry and forceful with me.

15. With respect to the Affidavit of [REDACTED] sworn September 1, 2006 I say the following:

Paragraph 2 - as stated above, I deny that my sister [REDACTED] in any way placed the child with the adoptive parents, let alone placed such child as a result of her position with Montreal Lake Child and Family Services, and further deny the child was ever released into the care of my sister. To the best of my knowledge, I did nothing illegal or improper especially given the agreement that has been signed regarding custody of the child;

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Paragraph 3 - I deny that I continue to struggle with substance abuse issues and say that such struggle is well in my past;

Paragraph 4 - My pregnancy was very emotional and difficult for me. My main priority was to get through it and bring a healthy little one into the world. I believed, in large part due to the violence and anger displayed by the Petitioner as above stated, an adoption was the best option and I told my mother this early in my pregnancy. I agree that I had several opportunities to advise the Petitioner that he was the father of the baby, and fully intended to tell the Petitioner such at a time of my own choosing;

Paragraph 5 - I cannot understand how my mother could characterize the Petitioner as affectionate and polite when I told her of his assault on myself shortly after such happened.

16. I make this Affidavit in opposition to the Petitioner's Application for custody and visitation and in support of Applications to strike out portions of or entire Affidavits of the Petitioner and [REDACTED] and an Application to have the Petitioner examined for discovery.

SWORN before me at)
Saskatoon, in the Province of)
Saskatchewan, this 28th)
day of September, AD. 2006.)
)
)

A Commissioner for Oaths in and for
the Province of Saskatchewan
Being a Solicitor

[REDACTED]

This document is filed on behalf of the Applicant

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