

**F.L.D. No. 717**

**of 2006**

**CANADA  
PROVINCE OF SASKATCHEWAN**

**IN THE COURT OF QUEEN'S BENCH FOR SASKATCHEWAN  
(FAMILY LAW DIVISION)  
JUDICIAL CENTRE OF SASKATOON**

**BETWEEN:**

[REDACTED]

**PETITIONER**

**AND:**

[REDACTED]

**RESPONDENT**

**AND:**

[REDACTED] **and** [REDACTED]

**THIRD PARTY RESPONDENTS**

**NOTICE OF MOTION**

**TAKE NOTICE** that an application will be made to the presiding judge in chambers at the Courthouse, 9<sup>th</sup> Floor, 224 4<sup>th</sup> Avenue South, in the City of Saskatoon, Saskatchewan, at 10:00 o'clock in the forenoon on Wednesday, the 4<sup>th</sup> day of OCTOBER, 2006, or so soon thereafter as counsel can be heard on behalf of the Third Party Respondents, for an order that:

1. Paragraphs 13, 15, 18, 20, 21, 22, 23, and 25 - or portions thereof, and as described below - of the Affidavit of [REDACTED] dated May 9, 2006 be struck, pursuant to Queen's Bench Rules 602(10) and 603.
2. Such other relief as requested by counsel for the Third Party Respondents, and seen fit by this Honourable Court.
3. The Petitioner, [REDACTED], shall pay to the Third Party Respondents, [REDACTED] and [REDACTED] costs of this application in the amount of \$ 750.00, or such other amount as ordered by this Court.

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**ON THE FOLLOWING GROUNDS:**

1. The Third Party Respondents agree with the Respondent's Notice of Motion dated September 28, 2006 to strike out portions of the Affidavit of the Petitioner sworn May 9, 2006 and of the Affidavit of [REDACTED] sworn September 1, 2006 and to strike out the Supplemental Affidavit of the Petitioner sworn September 1, 2006 in its entirety.
2. The Third Party Respondents agree that the Petitioner should pay Costs of both the Respondent's motion and this motion to the Respondent and the Third Party Respondents.
3. In addition to the impugned portions described by the Respondent and the ground upon which each should be struck, the Third Party Respondents also hereby make application for additional impugned portions to be struck as identified here below and on the grounds articulated here below.
4. Paragraphs 13, 15, 18, 20, 21, 22, 23, and 25 - or portions thereof, and as described below - of the Affidavit of [REDACTED] dated May 9, 2006 are inadmissible hearsay and information from someone other than the Petitioner without the Petitioner establishing and identifying the requisite special circumstances, and should be struck.
5. Concerning Paragraph 13, the sentence following "She said ..." and "[REDACTED] replied ..." are inadmissible hearsay and information from someone other than the Petitioner without the Petitioner establishing and identifying the requisite special circumstances, and should be struck.
6. Concerning Paragraph 15, the sentence following "[REDACTED] told me, ..." and "... [REDACTED] told me that ..." are inadmissible hearsay and information from someone other than the Petitioner without the Petitioner establishing and identifying the requisite special circumstances, and should be struck.

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7. Concerning Paragraph 18, the sentences following "█████ told me ...", "He asked me ..." and "█████ told me ..." are inadmissible hearsay and information from someone other than the Petitioner without the Petitioner establishing and identifying the requisite special circumstances, and should be struck.
8. Concerning Paragraph 20, the sentences following "He told me ..." and "█████ told me ..." are inadmissible hearsay and information from someone other than the Petitioner without the Petitioner establishing and identifying the requisite special circumstances, and should be struck.
9. Concerning Paragraph 21, the sentences following "█████ told me ..." and "the Respondent had told ██████ .." and "█████ also told me ..." are inadmissible hearsay and information from someone other than the Petitioner without the Petitioner establishing and identifying the requisite special circumstances, and should be struck.
10. Concerning Paragraph 22, the sentence following "I was informed by a social worker ..." is inadmissible hearsay and information from someone other than the Petitioner without the Petitioner establishing and identifying the requisite special circumstances, and should be struck.
11. Concerning Paragraph 23, the sentence following "I have subsequently learned from ██████ ..." is inadmissible hearsay and information from someone other than the Petitioner without the Petitioner establishing and identifying the requisite special circumstances, and should be struck.
12. Concerning Paragraph 25, the sentence following "I have been further informed by ..." is inadmissible hearsay and information from someone other than the Petitioner without the Petitioner establishing and identifying the requisite special circumstances, and should be struck. The sentence starting "I believe ..." is prohibited speculation and opinion and should be struck.

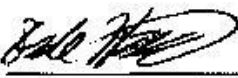
13. This application is brought upon the authority *inter alia* of Queen's Bench Rule 603.

**AND FURTHER TAKE NOTICE** that in support of the said application will be read:

- a.) The pleadings and proceedings had and taken herein; and
  - b.) The Draft Order,
- all filed.

Dated at the City of Prince Albert, in the Province of Saskatchewan, this 28<sup>th</sup> day of SEPTEMBER, 2006.

**ARNOT HEFFERNAN BLENNER-BASSETT**  
**Barristers, Solicitors & Mediators**

Per: 

**Solicitors for the Third Party Respondents**  
[Redacted]

TO: The Petitioner, [Redacted]  
c/o Roe & Company By Fax, No. (306) 934 - 6827

TO: The Respondent, [Redacted]  
c / o Curtis Law Office By Fax, No. (306) 244 - 2599