

CANADA
PROVINCE OF SASKATCHEWAN

IN THE QUEEN'S BENCH
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 court house in Saskatoon, Saskatchewan, located at 9th Floor 224 4th Avenue South Saskatoon, Saskatchewan, at 10 o'clock in the forenoon on the 25th day of October, 2006, or so soon thereafter as the matter may be heard on behalf of the Petitioner for an order that:

1. Pursuant to section 6 of *The Children's Law Act* for Saskatchewan, day to day care of the child known as [REDACTED], shall become the immediate responsibility of the Petitioner pending further Order, with the third party respondents to exercise such access as the Court may order.
2. Alternatively, that the Court designate Family Justice Services in Saskatoon as the facility for supervised access.

[REDACTED]

3. Costs of this application on a solicitor-client basis;
11. Such further and other relief as this Honourable Court may deem just.

ON THE FOLLOWING GROUNDS:

1. The third-party Respondents are obstructing the court-ordered access Order made by Mr. Justice R. S. Smith on October 4, 2006, as the Petitioner's visits have yet to commence despite his numerous requests.
2. The Petitioner is in a position to immediately assume day to day care of the child and can facilitate visits by the third-parties.
3. The Petitioner seeks an alternative venue for visitation with his son as the difficulty and delay in implementing the Court – ordered visitation may result from the influence of the third party Respondent, [REDACTED], based on her evidence in these proceedings. See paragraph 16 from the September 28, 2006, affidavit #2 of [REDACTED]

.... Since 1994, I have been active in support of the Children's Haven through regular donations and support and even serving on the Board (while at PAGC).

4. As the supervising facility will supply a written report concerning visitation, an alternative Saskatoon facility should be designated by the Court. The Petitioner proposes Family Justice Services in Saskatoon as a suitable alternative facility to which none of the parties have financial or authoritative connections of the kind claimed by Ms. [REDACTED]

AND FURTHER TAKE NOTICE that in support of this application will be read the following:

1. Notice of Motion, with proof of service;
2. Affidavit of [REDACTED], dated October 19th, 2006;

[REDACTED]

3. Draft Order;
4. Pleading and proceedings had and taken herein; and
5. Such further and other material as this Honourable Court may allow.

AND FURTHER TAKE NOTICE if you wish to oppose the motion, you or your lawyer must prepare an affidavit in response, serve a copy at the address for service given at the end of this document, and file it in the court office, with proof of service, at least 7 days before the date set for hearing the motion. You or your lawyer must also come to court for the hearing of the motion on the date set.

AND FURTHER TAKE NOTICE that whether or not you oppose this motion, you must serve and file a Financial Statement in Form 609A at least 7 days before the date set for hearing the motion. If this motion includes a claim for child support, and you do not comply with this notice or the Notice to File Income Information which has also been served on you, **THE COURT MAY IMPUTE INCOME TO YOU AND MAY DETERMINE THE AMOUNT OF CHILD SUPPORT PAYABLE ON THE BASIS OF THAT IMPUTED INCOME.** If you have been served with a motion for child support, please consult the Federal Child Support Guidelines.

AND FURTHER TAKE NOTICE that if you do not appear at the hearing or [fail to provide the required financial information (where a support order is sought)] an order may be made in your absence and enforced against you. **YOU WILL NOT RECEIVE FURTHER NOTICE OF THIS MOTION.**

DATED at Saskatoon, in the Province of Saskatchewan this 19th day of October, 2006.

ROE & COMPANY

Per: _____

Mark Vanstone
Solicitor for the Petitioner

TO: Curtis Law Office
Barrister & Solicitor
2505 William Avenue
Saskatoon, SK S7J 2B1

Attention: Gregory J. Curtis (Counsel for [REDACTED])

AND TO: Arnot Heffernan Blenner-Hassett
Barristers, Solicitors & Mediators
1250 1st Avenue East
Prince Albert, SK S6V 2A8

Attention: Dale N. Blenner-Hassett
(Counsel for [REDACTED] & [REDACTED])

This document was prepared by:

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