

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 25<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. Any further proceedings in this action be heard in private, pursuant to section 99 of *The Queen's Bench Act, 1998* and / or section 13(a) of *The Children's Law Act, 1997*, and the Petitioner and the Petitioner's counsel not disclose or discuss in any manner the proceedings with the media, and the media is only to report in on this matter in a general manner and not disclose any court documents nor any privileged communications between the parties and their counsel nor disclose further the parties or the child in this proceedings.
2. The Petitioner [REDACTED] be required, pursuant to section 100(b) of *The Queen's Bench Act, 1998*, to enter into a recognizance with surety or post bond in an amount that this Honourable Court considers appropriate, and an amount that is significant enough to provide a real and significant deterrent to the Petitioner continuing his inappropriate conduct of disclosure.

- Page 2 -

3. Further to section 13(b) of *The Children's Law Act, 1997*, the Petitioner [REDACTED] and his legal counsel are prohibited from publishing in any manner directly or indirectly, including to any media, any matter connected with this action or given in evidence in this action, or any identity of the parties or the baby, and are prohibited from publishing directly or indirectly any document filed with the Court, or any communication sent on a without prejudice basis from the Third Party Respondents to the Petitioner (or vice versa).
4. Concerning the upcoming Pre Trial Conference, the Court provide appropriate and specific instructions to the parties and their counsel as it sees fit and concerning disclosures to the media of any matters, including documents, correspondence, identities, details, etc., and including that no communication from one party to the other, including through counsel, be provided in any manner directly or indirectly to the media either before or after the Pre Trial Conference.
5. Concerning the supervised access visits,
  - a.) the visits shall occur at 10:00 a.m. on either Monday of every week or Thursday of every week, at the Petitioner's choice, the same day every week;
  - b.) the Petitioner and / or his counsel may not invite the media to accompany the Petitioner or observe him exercising his supervised access;
  - c.) the media may not attend at or near the Prince Albert Children's Haven just before, during, or just after the supervised access visits of the Petitioner;
  - d.) the Petitioner and / or his counsel shall not make any public statements or statements to the media directly or indirectly providing any details of the supervised access visits;
  - e.) The Petitioner may take pictures of the Baby during the access visits, provided that such picture taking not disturb the Baby, but shall not distribute or cause to be published any such pictures beyond his immediate family and friends;
  - f.) The Petitioner shall address the Baby using the name that he currently has, and not by another name of the Petitioner's choosing;
  - g.) The Petitioner shall not refer to himself as "Daddy" or "Father".
  - h.) Other instructions as seen fit by this Honourable Court.

- Page 3 -

6. Such other relief as requested by counsel for the Third Party Respondents, and seen fit by this Honourable Court.
7. The Petitioner, [REDACTED], shall pay to the Third Party Respondents, [REDACTED] and [REDACTED], forthwith the costs of this application in the amount of \$ 3,000.00, or such other amount as ordered by this Court.

**ON THE FOLLOWING GROUNDS:**

1. The Petitioner and / or his legal counsel have freely and widely distributed to the media (television, radio, print) affidavits and pleadings and Court documents filed in this matter, even to the vast majority of the Court file in this action.
2. The Petitioner and / or his legal counsel and then the media have been revealing the identities of the parties, including the Third Party Respondents, and that of the Baby at issue in this proceeding, and have been making statements to the media that are inappropriate, inflammatory, and prohibitive of settlement of this matter.
3. The multiple disclosures by the Petitioner and / or his legal counsel have rendered, or will render, communication between the Petitioner and the Third Party Respondents, and then the Pre Trial Conference itself, in this matter of no effect or purpose.
4. The Third Party Respondents and their counsel have lost any confidence that they can communicate with the counsel for the Petitioner on a confidential basis, and have no confidence that anything communicated to counsel for the Petitioner will not be distributed to the media and elsewhere.
5. Certain and multiple "without prejudice" correspondence from Third Party Respondents' counsel to the Petitioner's counsel, correspondence that remained unanswered by the Petitioner and his counsel, have been distributed to the media, and have appeared on the front

- Page 4 -

pages of the newspapers of this country, including The Star Phoenix and The National Post and others, and the radio and television networks of the country.

6. The Petitioner has severely compromised the integrity of this action and proceeding through his conduct; counsel for the Petitioner likewise through his refusal and / or inability to restrain the Petitioner and / or his conduct.
7. The conduct of the Petitioner and / or his legal counsel have brought and are bringing this Honourable Court and its process into disrepute and have so poisoned this action that these proceedings cannot continue in their current state, without instruction from this Court.
8. The Petitioner and / or his legal counsel are making unsubstantiated allegations of criminal conduct against the Respondent and Third Party Respondents, and making daily statements and disclosures to the media, disclosures that are inflammatory, prejudicial to the Respondent and Third Party Respondents, and threaten to make this action completely unmanageable.
9. The state of circumstances caused by the inappropriate disclosures by the Petitioner and / or his legal counsel is not in the best interests of the child nor of the process of this Court nor in the interests of justice.
10. This application is brought upon the authority *inter alia* of sections 99 and 100(b) of *The Queen's Bench Act, 1998* and sections 6(1), 13(a) and (b) of *The Children's Law Act, 1997*, and the general and inherent jurisdiction and powers of the Court.

- Page 5 -

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

- a.) The pleadings and proceedings had and taken herein;
  - b.) The Affidavit of [REDACTED] and
  - c.) The Draft Order,
- all filed.

Dated at the City of Prince Albert, in the Province of Saskatchewan, this 20<sup>th</sup> day of OCTOBER, 2006.

**ARNOT HEFFERNAN BLENNER-HASSETT**  
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

**This Motion prepared and delivered by:**  
**ARNOT HEFFERNAN BLENNER-HASSETT**  
Barristers, Solicitors and Mediators  
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Lawyer in charge of file: Dale N. Blenner - Hassett  
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