

NOVA SCOTIA COURT OF APPEAL

Citation: *MacCulloch v. MacCulloch*, 2012 NSCA 10

Date: 20120125

Docket: CA 347774

Registry: Halifax

Between:

Keri Lynn MacCulloch

Appellant

v.

James Daniel MacCulloch

Respondent

Judge: The Honourable Justice David P.S. Farrar

Appeal Heard: January 23, 2012

Subject: **Family Law. Reduction in Extraordinary Expenses.
Retroactive Child Maintenance.**

Summary: By an Interim Order dated January 19, 2011, the respondent was ordered to pay to the appellant certain extraordinary expenses as well as child maintenance and retroactive child maintenance. In a Final Order dated March 18, 2011, the amounts for extraordinary expenses and retroactive child maintenance were reduced by one-third. The appellant appealed alleging that the Family Court Judge erred in reducing the amounts payable to her.

Issues: Did the Family Court Judge err in reducing the amount payable to the appellant for extraordinary expenses and retroactive child support?

Result: Appeal allowed. A review of the record before the Family Court Judge reveals that he never intended to reduce these amounts and misspoke in giving his decision. Alternatively, if

it was his intention to reduce these amounts the decision would be so clearly wrong as to amount to an injustice.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 6 pages.