

NOVA SCOTIA COURT OF APPEAL
Citation: *Moore v. Watson*, 2025 NSCA 25

Date: 20250331
Docket: CA 536949
Registry: Halifax

Between:

Andrea Mary Moore

Appellant

v.

James Colin Watson

Respondent

Judges: Farrar, Scanlan and Beaton JJ.A.
Appeal Heard: March 27, 2025, in Halifax, Nova Scotia
Held: Appeal dismissed
Counsel: Andrea Moore, appellant on her own behalf
Jennifer K. Reid and Katie Brady, for the respondent

NOVA SCOTIA COURT OF APPEAL

Between:

Andrea Mary Moore

Appellant

- and -

James Colin Watson

Respondent

ORDER

Before: Justice David P.S. Farrar

Justice J. Edward (Ted) Scanlan

Justice Carole A. Beaton

WHEREAS the appellant appeals from the decision of May 14, 2024 and the order of September 5, 2024 of Justice Jean DeWolfe (“the judge”) of the Nova Scotia Supreme Court, Family Division;

AND WHEREAS the judge ordered (among other matters) that the parties follow a specific parenting plan concerning their child, and ordered certain relief concerning the appellant’s unjust enrichment claim;

AND WHEREAS the appellant asserts the judge erred in her legal analyses, made unreasonable findings, misinterpreted the evidence, erred in her determinations pursuant to the *Parenting and Support Act*, R.S.N.S. 1989, c. 160, demonstrated a reasonable apprehension of bias and furnished insufficient reasons;

AND WHEREAS the Appellant filed, in conjunction with the appeal, a Motion to introduce fresh evidence on the issue of reasonable apprehension of bias;

AND UPON the matters having come before this Court for oral argument on March 27, 2025;

AND WHEREAS the Appellant's fresh evidence motion does not meet the test set out in *R. v. Nevin*, 2024 NSCA 64 at para. 62; *R. v. Wolkins*, 2005 NSCA 2 at paras. 57-58; 60 as the Appellant has not established the relevancy of the highly subjective proposed opinion fresh evidence;

AND WHEREAS on appeal this Court is not permitted to re-weigh the evidence, nor to re-hear or re-try the case to come to a different determination (*Brunt v. O'Brien*, 2025 NSCA 19 at para. 4; *LeBlanc v. LeBlanc*, 2023 NSCA 36 at para. 6);

AND WHEREAS the judge's findings and decision respecting parenting arrangements are entitled to deference (*Evans v. Larocque*, 2025 NSCA 4 at para. 65);

AND UPON being satisfied the judge's findings and decision respecting the unjust enrichment claim were made pursuant to correct legal principles and reflect the context of the parties' circumstances (*Kerr v. Baranow*, 2011 SCC 10 at paras. 32, 34 and *Moore v. Sweet*, 2018 SCC 52 at para. 59);

AND UPON being satisfied the judge's reasons are sufficient as they permit appellate review (*R. v. Kitch*, 2023 NSCA 33 at paras. 11-12; *Evans*, *supra*, at para. 80);

AND WHEREAS the appellant has not met the onerous burden of establishing a reasonable apprehension of bias on the part of the judge (*Dorofeev v. Dorofeeva*, 2025 NSCA 6 at paras. 36-37);

AND UPON the panel being unanimously of the view the appellant has not established, nor does the record support, a conclusion the judge erred in law, in fact or in the exercise of her discretion (*Laframboise v. Millington*, 2019 NSCA 43 at para. 14);

NOW THEREFORE, IT IS ORDERED THAT:

1. The fresh evidence motion is dismissed.
2. The appeal is dismissed.
3. The appellant shall pay costs to the respondent forthwith in the amount of \$2,000.

ISSUED at Halifax, Nova Scotia, this 31st day of March, 2025.

Deputy Registrar