

**SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** Shortell v. Nathanson, 2011 NSSC 243

**Date:** 20110616

**Docket:** SFSND 003347/1201-48791

**Registry:** Sydney

**Between:**

Darlene Lynn Shortell

Plaintiff

v.

Alan Mehr Nathanson

Defendant

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**DECISION**

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**Judge:** The Honourable Justice M. Clare MacLellan

**Written Decision:** June 16, 2011

**Counsel:** Darlene Lynn Shortell, Self Represented  
Alan Mehr Nathanson, Self Represented

**BY THE COURT:**

[1] Upon review of the file of Nathanson and Shortell (1201-48791), I find compliance with disclosure by Mr. Nathanson has not been met. Mr. Nathanson is the applicant. The applicant has been given ample opportunities to disclose requested materials and failed to do so. Source materials reflecting this situation are attached. Specifically, 1) transcript of a conference call of September 21, 2010 reflecting the status at that time, including the consequences for non compliance; 2) letter from Mr. Nathanson requesting an extension; 3) Ms. Shortell's response; 4) direction from the Court granting an extension to January 2, 2011.

[2] A file review today, June 16, 2011, reveals no materials were filed by Mr. Nathanson by January 2, 2011 to date. Mr. Nathanson has made no further motions to the Court to request extensions or any other form of relief. He has not explained his continued failure to disclose or to advance his application.

[3] The applicant filed the variation application in July, 2009, seeking relief in relation to the current child support set out in the consent variation order of June 15, 2005.

[4] It is the Applicant's responsibility to advance an application. Mr. Nathanson has failed to do so despite numerous opportunities. There was no attempts to advise the Court of any reason to explain his chronic failure to disclosure.

[5] **Terry v. Francis**, [2004] N.S.J. No. 366 requires full disclosure to be made by the applicant prior to trial.

[6] I find it is inappropriate to permit chronic delay without solid reasons to support that delay. There were no reasons provided for failure to comply with Court direction to disclose requested materials by the extended date of January 2, 2011. It is also inappropriate to allow applications to languish without timely resolution.

[7] The order dismissing this matter is attached.

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J.