

SUPREME COURT OF NOVA SCOTIA (FAMILY DIVISION)

Citation: *Murphy v. Murphy*, 2015 NSSC 397

ENDORSEMENT

Donna Marie Murphy v. Gerald Vincent Murphy

Prothonotary No. 1201-067080; SFH-D 086351

May 15, 2015

- Sarah L. Harris for Donna Murphy
- Gerald Murphy on his own behalf

Request for costs on Tariff A, scale 3, based on a hearing of one and one-quarter days, with an additional amount of \$2,500.00 for trial time and \$2,143.75 for disbursements, following a divorce and corollary relief proceeding. Total costs requested: \$32,981.75.

Decision:

Gerald Murphy shall pay Donna Murphy costs of \$26,893.75 forthwith.

Reasons:

1. Ms. Murphy was successful in her claims for a divorce, an equal division of property and an order requiring Mr. Murphy to maintain health insurance coverage for her.
2. The hearing required one full day and one hour on a second day.
3. The most significant issue at the hearing was the characterization of the property owned by GVM Holdings, which Mr. Murphy characterized as business assets and, thereby, exempt from division under the *Matrimonial Property Act*. In this argument, Ms. Murphy was successful.
4. The property owned by GVM Holdings was valued at approximately \$206,000.00.
5. Court orders were required to obtain satisfactory disclosure regarding assets within Mr. Murphy's control. The orders were obtained by consent.
6. Sharon Kenny charged \$175.00 per hour to review her records and provide materials relating to her dealings with Mr. Murphy, charging a total of \$2,143.75.
7. Civil Procedure Rule 77.02(1) states that I "may, at any time, make any order about costs as [I am] satisfied will do justice between the parties."

8. Ms. Murphy did not claim costs in her Petition for Divorce or in any of her pleadings.
9. Pursuant to Civil Procedure Rule 77.02(2) I have a general discretion to award costs so as to do justice between the parties.
10. Having regard to Tariff A, the amount involved, the length of the hearing and the expense for Ms. Kenny's materials, I order Gerald Murphy to pay Donna Murphy costs of \$26,893.75 forthwith. This amount is inclusive of all disbursements.

Elizabeth Jollimore, J.S.C.(F.D.)