

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

Citation: Moore v. Moore, 2013 NSSC 293

Date: 2013-09-25

Docket: 1201-062239; SFH-D 055919

Registry: Halifax

Between:

Barry Allan Moore

Petitioner

v.

Christine Anne Moore

Respondent

ADDENDUM

Judge:

The Honourable Justice Elizabeth Jollimore

Written decision:

September 18, 2013

Appended decision:

September 25, 2013

Counsel:

Jane Lenehan for Allan Moore
Christine Anne Moore, on her own

By the Court:

[1] On September 18, 2013 I released a decision relating to Allan Moore's claim for costs arising from a parenting trial. That decision is reported as *Moore v. Moore*, 2013 NSSC 281. In my decision I noted that the deadline for briefs was September 6, 2013. I said that Mr. Moore had filed a brief and that Ms. Moore had not.

[2] My decision on costs followed the receipt of Mr. Moore's submissions by a dozen days. I delayed preparing my decision in case Ms. Moore was late in filing a brief. After a week, when I had received nothing from her, I considered Mr. Moore's submissions and made my decision.

[3] On September 20, 2013, I was provided with faxed submissions from Ms. Moore. The fax transmittal line indicated the fax had been sent on September 11, 2013 late in the day. The fax was date stamped as having been received at the court on September 13, 2013. The delay in my receipt of Ms. Moore's submission is absolutely no fault of Ms. Moore's.

[4] If Ms. Moore's fax had reached me when filed it would have been considered, even though it was late.

[5] I do not encourage litigants to ignore filing deadlines. If materials are to be filed late, litigants should request a deadline be extended.

[6] It was my intention to consider Ms. Moore's submissions, even if they were late. Since this was my intention, I have considered her submissions now that I have received them.

[7] If I had received Ms. Moore's submissions in time, they would not have changed my decision. Mr. Moore is the successful party. He is entitled to his costs. His costs are not offset against Ms. Moore's spousal support payments.

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

Halifax, Nova Scotia