

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** Sheila Kerr, Applicant Mother

**AND:**

Gil Hauer, Respondent Father (moving party)

**BEFORE:** M. P. Eberhard

**COUNSEL:** Gary Gottlieb, Counsel for the Applicant Mother

Judith Nicoll, Counsel for the Respondent Father

**ENDORSEMENT**

- [1] The Respondent Father moved for implementation of the parenting recommendations of Dr. Sol Goldstein, in his report delivered in September 2009. The Applicant Mother moved that the motion be dismissed in the face of a trial date set for the three week sittings commencing May 17, 2010.
- [2] There is no question that the Respondent Father succeeded in the principle issue on that day but he was less successful than his offer and a very significant progress was made by consent in scheduling summer parenting, albeit, finessed by the Goldstein recommendations.
- [3] I have reviewed the written costs submissions, along with a bill of costs for both parties. The quantum claimed on behalf of the Applicant Mother far exceeds that set out by the Respondent Father so quantum argument can hardly be based on an assertion of excessive claim.
- [4] To the extent that the motion led to agreement, the cost award should be softened as an encouragement to reasonable conduct in the resolution process still ahead. I have left much for the parents to work out, autonomous of the court's compulsion but now with a narrowing of the range of settlement and, with this costs award, a hint as to the consequences of unrealistic positions.
- [5] Costs are fixed in favour of the Respondent Father in any event of the cause at \$10,000.00.

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EBERHARD J.

**Date:** May 4, 2010