February 12, 2015

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DELIVERED BY FAX 403 355 2405 (1 page including this one)

CC: Anne Rensonnet (VIA EMAIL anne.rensonnet@gmail.com)

RE: Rensonnet v. Uttl, Action No. FL01-17010
Your letter regarding Case Management Meeting on January 27, 2015

Dear Madam:

The letter did not address the following points discussed in the case management meeting:

Ms. Rensonnet's failure to proceed with the Case Management Meeting as agreed

The case management meeting on January 27, 2015, was cut short because after about 1 hour Ms. Rensonnet stated that she must go and pick up the children from the preschool.

As you know, Ms. Rensonnet wanted to adjourn the meeting because she was unable to find child care. You wrote to Ms. Davies (Ms. Rensonnet's counsel) that the meeting would go on as scheduled and gave Ms. Rensonnet two options: to attend by teleconference or to take me up on my offer to care for the children. Ms. Rensonnet did not reply to you as you requested and instead showed up in person but cut the meeting short.

At the case management meeting itself, you and Ms. Rensonnet discussed at length whether the Trial date is acceptable to Ms. Rensonnet. Ms. Rensonnet indicated that she will "move hell and earth" to attend the trial. Then Ms. Rensonnet argued that she would not be able to attend trial ordered and scheduled for November 2015 because she can not take that much time off work and also she would not be able to find child care. Clearly, Ms. Rensonnet's attendance at trial will be required.

Again, I would like to re-iterate that I am willing to arrange for care of the children at times Ms. Rensonnet cannot find childcare, including during the trial. The children have and enjoy company of two cousins, aunt, uncle, living in Calgary, and, each year for 3 months, their grandpa who visits from Czech Republic, as well as number of family friends with small children Ms. Rensonnet unfortunately severed her ties with.

Ms. Rensonnet's failure to serve her affidavit of records pursuant to the rule 5.5

In the case management meeting held on October 9, 2014, Justice Horner made an order that the Affidavits of Records were to be produced by December 15, 2013. Although Ms. Rensonnet produced her affidavit of records, it is defective as it does not conform to the rules. It is also clearly incomplete and does not disclose documents I have asked for, that are clearly in Ms. Rensonnet's possession and clearly relevant to her claims that she was the children's primary caregiver prior to the Ex Parte Order and that I was an absentee father (e.g., airline tickets).

Although the rules require the records to be available for inspection within 10 days, Ms. Rensonnet did not make the records available. In the case management meeting Ms. Davies instead requested, and you decided, that the records should be exchanged on memory stick by January 15, 2015. Again, Ms. Rensonnet refused to do so.

Because Justice Horner's Order regarding the New Ways for Families prohibits Ms. Rensonnet and I from filing new applications without a leave of the Court, I have asked for a leave to file an application to compel the production of the records so as not to allow Ms. Rensonnet to delay the resolution of the issues at trial. Your letter does not address Ms. Rensonnet's failure to produce records. Your letter does not address my request for leave to file the application either.

Ms. Rensonnet's possible "division of property" claim

Ms. Rensonnet again spent much time discussing the 125 Baird Ave property. As you now know, Ms. Rensonnet swore at the time that she purchased the property for $475,000, paid $200,000 for the property by paying out the previous owner's mortgage, but failed to pay the outstanding $275,000. Alternatively, Ms. Rensonnet acquired the control of the property by knowingly swearing the false Affidavit of Value and never had any intention to fully pay for the property, as she swore on her questioning. Ms. Rensonnet's failure to pay $275,000 is subject of Mulholland v. Rensonnet litigation to which Ms. Rensonnet made me a third party.

On October 9, 2014, Justice Horner clearly stated to Ms. Rensonnet and Ms. Davies that the family law action will not be consolidated and will not be bogged down by any other action. Justice Horner repeated that several times through the proceedings.

Today, 18 months after the separation, Ms. Rensonnet has yet to say what property she would like to divide and on what bases. She has certainly not filed any unjust enrichment claim nor any other claim for a division of property. If Ms. Rensonnet has any claim for "division of property" she needs to file it in good time to be heard at the Trial. The best interest of the children is not to wait until Ms. Rensonnet finishes her thoughts on whether to file some "division of property" claim but to have their parenting resolved as expeditiously as possible.

Your advice that I should just accept the interim order

You counseled me that I should just accept the interim order as a final order, because the trial judge may be unwilling to disturb the status quo Ms. Rensonnet created for the children by abusing the Ex Parte process. I believe this amounts to legal advice which will make Ms. Rensonnet even less willing to discuss the parenting outside the court. The case law even in Alberta is clear. A party cannot make a unilateral decision, disregarding the law, and then claim that the status quo created by their unilateral decision should not be disturbed. Similarly, the law is clear that a party that abducts the children would not be allowed to keep them even if they are tracked down some 10 years later. An abduction is an abduction. Although the best interest of the children consideration include continuing status quo, the best interest of the children is to have both parents in their lives and not be subject to unilateral decisions by one parent only.

To briefly summarize, Justice Millar granted the Ex Parte Order on September 26, 2013, based solely on submissions made to him by Ms. Rensonnet's counsel. Those submissions were not supported by the facts nor by Ms. Rensonnet's Affidavit that Justice Millar had no chance to read because of its length. Subsequently, on the first review of the Ex Parte, Justice Horner extensively questioned Ms. Davies and concluded that there was no necessity for the ex parte proceeding, that she had no chance to read, analyze and weight numerous affidavits filed in the matter, and that she was adjourning the review of the ex parte to a domestic special. The review of the Ex Parte then came before Justice Millar who granted the original Ex Parte. Justice Millar was unable to resolve conflicting affidavits, made no changes to the Ex Parte Order as modified by Justice Horner, and ordered the matter to trial. Throughout this litigation, there has been no findings by the Court as to whether it is in the children's best interest to be primarily with their mother or their father rather than maximizing the time the children spend with both their mother and father.

Furthermore, Ms. Rensonnet recently acknowledged that I made about "a dozen" offers to meet and to discuss parenting of our children and I stated clearly that Ms. Rensonnet can bring with her any other person, professional or not, to assist her with discussion. Ms. Rensonnet has repeatedly declined my offers and stated to me that they are "unwelcome." Ms. Rensonnet is refusing to meet even though Ms. Rensonnet swore that we have never been violent with each other, never threw objects at each other, and never yelled at each other. Ms. Rensonnet refused to meet before she participated in the New Ways for Families and she continues to refuse to meet and talk after she completed the New Ways for Families. Ms. Rensonnet is apparently only agreeable to meet in the presence of expensive professionals so we are both "equally invested".
While Ms. Rensonnnet and her family have seemingly unlimited financial resources, I have to carefully use my resources where they can do the most good for the children.

I explained to Ms. Rensonnet that (1) I simply cannot afford additional mediation attempts and other alternative dispute resolution methods and (2) these methods are unlikely to resolve the matters for at least the following reasons: (a) we attempted a mediation at the cost of several thousands of dollars already, (b) Ms. Rensonnet is refusing to even say what it is that she wants, (c) Ms. Rensonnet has filed numerous false, misleading, and contradictory sworn affidavits in these matters (in addition to bona fide perjury in Mulholland v. Rensonnet) and it is widely known that the

alternative dispute resolution processes are ineffective in such situations. Finally, I believe Ms. Rensonnet may have Borderline Personality Disorder that may prevent her from seeing the matters as they are, cause her to reinterpret the reality into what she would like it to be, refuse to move from her position, and consider it "harassment" if someone suggests a discussion about the matters. After the failed mediation attempt, the mediator, speaking of Ms. Rensonnet, told me in no uncertain terms: "this is not about the kids, this is about control". While I remain hopeful that Ms. Rensonnet may one day be willing to talk, I am also realistic about such prospects.

The children's best interest demands that the matter proceeds to trial as expeditiously as possible. Ms. Rensonnet's interest is to stall the matter as much as possible and hope that the matter will never reach a trial. After all, Ms. Rensonnet got what she wanted because Justice Millar had only her evidence before him during the Ex Parte and later, on the domestic special, was not able to resolve the conflicting affidavit evidence.

Case Management Meeting Scheduling

I have recently secured short term teaching contract, which means my time is much less flexible. I still managed to make sure I am available for meetings at 10:15am on Mondays and Tuesdays. I am not available on Wednesday, March 4, as I will be in the class, but I am available on March 2, March 3, March 9, March 10.

I would also be beneficial to have the agenda of the meeting beforehand to ensure we do not spend time on matters which have been decided before and that do not advance this matter towards Trial.

Jan Uttl
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