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2 THE COURT: -- been some confusion about this so I'm going
3 to actually straighten that out and, on a go forward basis, we're going to make this more
4 specific. So if you'd sit down, I'm going to make my order, please.

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6 MR. UTTL: So I can't present my argument?

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8 THE COURT: I understand that you're taking the position that
9 parenting should change because there has been an issue with respect to access. What
10 I'm saying is the issue with respect to access is not significant enough to change a
11 decision of a judge that gives sole custody and sole decision making power to a mother.
12 Okay?

13

14 MR. UTTL: Okay.

15

16 THE COURT: There seems to be issues with respect to the
17 access which I am prepared to fix. So if you would sit down, maybe I can solve this
18 problem. I can't fix what happened, but spring break and Easter break are done in 2017.
19 We're now looking at what's happening on a go forward basis.

20

21 Ms. Rensonnet, you wanted to say something?

22

23 MS. RENSONNET: Very quickly.

24

25 THE COURT: Quickly.

26

27 MS. RENSONNET: He says he had spring -- he didn't have the
28 children for spring break or Easter break. I had them for spring break. I -- the only
29 reason he didn't have them for Easter break is he didn't pick them up.

30

31 THE COURT: Well, okay. Well --

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33 MS. RENSONNET: Like he -- I'm not denying him any access. He
34 was free to pick them up any time. He refused to.

35

36 **Decision**

37

38 THE COURT: Okay. All right. So the issues with respect to
39 the access appear on this matter to be arising as a result of the parties' failure to cooperate
40 with respect to how they are going to interpret paragraph 12(c), (d), and (e), although, I
41 fail to see why that is complicated. Paragraph 12 provides that in even years, so in 2016,

1 the plaintiff, being the mother and resident, shall have the children in her care for the
2 remainder of the Christmas break, which would be -- would be from January 1st at 3:00
3 PM until the children return to school. That is the Christmas break. It's the full holiday,
4 including the weekend that is part of the Christmas break. Subparagraph (d) says the
5 plaintiff shall have the children in her care from the full -- for -- from the full spring
6 break, which would be from the start of the spring break to the end of the spring break.
7 Okay? I'm going to --

8

9 MR. UTTL: The school defines the spring break as the
10 Monday to Friday.

11

12 THE COURT: Well, and I appreciate that --

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14 MR. UTTL: Ms. Rensonnet -- Ms. Rensonnet requested --

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16 THE COURT: -- so I was just going to -- I was just going to
17 fix that.

18

19 MR. UTTL: -- Ms. Rensonnet requested very specifically to
20 Justice Poelman that the spring break includes the weekend before and after, so it's from
21 end of the school until the beginning of the school.

22

23 THE COURT: Yes.

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25 MR. UTTL: Justice Poelman refused to grant that.

26

27 THE COURT: Well, that's not what's in the judgment roll, so
28 it says it's her care from the full spring break. So in order to make this easier, I'm going
29 to say plaintiff shall have the care -- care -- children in her care from the Monday of the
30 spring break until the following Sunday. Okay? So dad --

31

32 MS. RENSONNET: Sorry, sometimes --

33

34 THE COURT: -- or vice versa.

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36 MS. RENSONNET: I'm sorry, sometimes the spring break includes
37 the -- the leading Friday and the leading Monday. That's what -- beginning of school to
38 end of school is the only thing that makes sense because sometimes it includes Mondays
39 and Fridays prior to the weekend. It doesn't make any -- like, end of school to beginning
40 of school.

41

1 THE COURT: Do you realize how frustrating this is?

2

3 MS. RENSONNET: Yes, I do.

4

5 THE COURT: Yes. Okay.

6

7 MS. RENSONNET: I do. I do.

8

9 THE COURT: All right. So having regard to that, I will
10 change the -- and provide for it to become from the last day of school until the first day
11 of school for the spring break as well as for the Easter break, which is generally Good
12 Friday and Easter Monday. So from the last day of school until the first day of school
13 and the parties will rotate. In odd years, Mr. Uttl will have that. That's what will happen
14 on an ongoing basis in the future. I can't change what's happened in the past in 2016 and
15 2017. In 2018, I think I've made it quite clear. In 2019, Mr. Uttl, you will have the
16 opposite -- or the same thing, only it will be your year. That's my decision.

17

18 MS. RENSONNET: May I speak to costs?

19

20 THE COURT: No one is going to speak to costs on this
21 matter.

22

23 MS. RENSONNET: Okay.

24

25 MR. UTTL: My Lady, may I speak to the make up time for
26 this year?

27

28 THE COURT: No. I'm not dealing with make up time, either.

29

30 MS. LE QUERE: Okay. So just have a seat where you were
31 sitting before in the gallery, please, and wait for a copy of your order.

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34 PROCEEDINGS ADJOURNED

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