

ONTARIO SUPERIOR COURT OF JUSTICE

B E T W E E N:

EMUESIRI TEJIRI MEDU Applicant

– and –

ERERE OHWOFASA MEDU Respondent

BEFORE: McSweeney J.

Applicant Counsel: Hannah Kazman

Respondent: Self-Represented

Reviewed in writing: April 20, 2020

ENDORSEMENT – URGENCY ESTABLISHED

[1] The Applicant mother moves to enforce the parties’ 2018 Final Order of Justice Shaw. Pursuant to that Order, the Applicant has sole custody and primary residence of the parties’ three children, aged 9, 8, and 5. The Order gives the children alternate midweek and weekend access with the Respondent father.

[2] Applicant requests that her motion be heard by teleconference on an urgent basis. Her counsel advises by letter dated April 20, 2020 that the Respondent has overheld the children. He has kept them for over a month, since March 19, 2020, allegedly to make up for missed access. The Applicant’s position is that father has missed access by his own inaction, and says he is entitled to keep the children until April 27, 2020.

[3] The material before me indicates that the Applicant mother has court ordered sole custody and primary residence. Her children have not seen her since March 19, 2020. The parties’ final order does not permit the Respondent to keep the children.

[4] This court has ruled consistently during this period of COVID-19 that continuation of the parenting schedule *status quo*, as much as possible, to maintain stability and predictability in a time of unprecedented challenges for families, is particularly important to children’s well-being. The Respondent keeping the children from their mother for a month is a significant departure from their *status quo*.

[5] On the material before me, I therefore conclude that this motion may be heard as a matter of urgency relating to the best interests of the children. This is a category of urgency recognized in the *Notice to the Profession* released by the Chief Justice of the Superior Court of Justice dated March 15, 2020 (and as further amended effective April 6, 2020).

[6] I will hear this motion on Friday April 24, 2020 at 10:30 a.m. E.D.T. The hearing will take place by teleconference and last no more than one hour.

[7] The Respondent may take the position at the hearing of the motion that it is not urgent, and if he does, I will hear his submissions at that time.

[8] I am abridging the time for service and filing of material as set out below. The following timeline shall apply:

[9] The Applicant's material in support of her motion must be served and filed by email to SCJtrialofficebrampton@ontario.ca by 4pm EST today, April 21, 2020. Due to this tight timing, I directed my judicial assistant to advise the parties of this first deadline by email yesterday.

[10] In response to that email from my judicial assistant, Respondent Mr. Medu emailed the Trial office to advise he is available for the hearing date and time on Friday, and asked that he be permitted to file his responding materials by 10 am this Thursday April 23, 2020.

[11] In these circumstances, in which the Respondent is self-represented, I am prepared to give him until Thursday, however I direct him to serve and file **by 9 a.m.** on that date. To be clear: the Respondent's material in support of his position on the urgency, and on the merits of this motion must be served and filed by email to SCJtrialofficebrampton@ontario.ca by 9 a.m. E.S.T. on April 23, 2020.

[12] The Applicant may file brief Reply material, if any, which material must be served and filed by email with SCJtrialofficebrampton@ontario.ca by 4:00 pm E.S.T. that same day, April 23, 2020.

[13] Service of materials for this motion may be made by email and shall be deemed effective on the date the email is sent or, if sent after 4:15 p.m., on the next weekday. No acknowledgement of receipt for email service is required for this motion.

[14] All affidavits, motion records, and written arguments shall be filed with the court by delivering them as attachments to an email to the other party and the Trial Coordinator in searchable PDF format. No Books of Authority or statutory materials, or copies of cases are to be sent to the other party nor to the Brampton Trial Office. References to case law or statutory material shall be made by hyperlinks contained in the parties' written argument or in a separate list of authorities.

[15] The hearing will be held by teleconference. Details will be arranged and communicated to the parties by email by the Trial Coordinator's Office.

[16] Upon the courthouse reopening to the public, each party shall file with the SCJ Brampton Trial Office a copy of all the material he or she delivered electronically for this motion, with proof of service, and pay the appropriate fees.

[17] This endorsement is effective when made. No formal order is required.

[18] **All parties are given notice that:**

- a. The presiding judge may convene one or more case conferences and make all orders as he or she deems appropriate under Rule 50.13(6) to ensure the efficient hearing of the urgent motion that is the subject of this endorsement; and**
- b. The outcome of the motion whether conveyed in typed or handwritten , is an order of the court enforceable by law from the moment it is released regardless of whether a signed order is signed or entered with the court;**
- c. All the provisions of such an order may be varied by the presiding judge on such terms and he or she deems just; and**
- d. The hearing may be recorded for the court's purposes.**

Justice McSweeney

Date: April 21, 2020