

NOVA SCOTIA COURT OF APPEAL
Citation: *Doncaster v. Field*, 2013 NSCA 24

Date: 20130215
Docket: CA 406486
Registry: Halifax

Between:

Andrea Marie Doncaster, Viola Marie Doncaster
And Ivan Ralph Doncaster

Appellants

v.

Jennifer Lynn Field and Ralph Ivan Doncaster

Respondent

Judge: The Honourable Mr. Justice Jamie W.S. Saunders

Appeal Heard: February 14, 2013

Subject: **Divorce. Collateral Proceedings. Fresh Evidence. Adding Parties. Custody. Access. Costs. Adjournment.**

Summary: The sister and parents of a man locked in bitter divorce proceedings with his wife applied in the Supreme Court to be added as parties to that divorce, and be granted access to the four children of the marriage. The motions were heard in Truro and then adjourned with costs awarded against the appellants but in the interim the judge recused himself from the case. The parents and sister appealed saying the effect of the judge's order was to dismiss their motions, and in any event the costs order was unfair and excessive. They sought to introduce fresh evidence to establish reasonable apprehension of bias.

Held:

Appeal dismissed as premature in that the merits of the motions had never been conclusively adjudicated. It was directed that the costs order be set aside and that the hearings resume before a different judge, on an expedited basis.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 8 pages.