

In the Court of Appeal of Alberta

Citation: Quraishi v Merah, 2016 ABCA 116

Date: 20160419

Docket: 1501-0074-AC

Registry: Calgary

Between:

Adam Mohi Quraishi

Respondent
(Plaintiff)

- and -

Samerah Saeed Merah

Appellant
(Defendant)

The Court:

**The Honourable Mr. Justice Peter Martin
The Honourable Madam Justice Patricia Rowbotham
The Honourable Madam Justice Barbara Lea Veldhuis**

**Memorandum of Judgment
Delivered from the Bench**

Appeal from the Order of
The Honourable Madam Justice S.M. Bensler
Dated the 12th day of March, 2015
Filed on the 20th day of March, 2015
(Docket: 4801 145983)

**Memorandum of Judgment
Delivered from the Bench**

Veldhuis J.A. (for the Court):

[1] We have before us an appeal of an interim order, granted more than a year ago on March 12, 2015, following a counsel requested case management meeting in an extremely high conflict family law matter.

[2] By way of brief background, a five day trial resulted in a November 2012 order for shared parenting of the parties' five children (Sullivan order).

[3] There were a variety of applications and orders among which in December 2014, a consent order resulted in the father assuming sole custody of the eldest child.

[4] A further consent agreement by both parents in February 2015 resulted in the case management judge meeting *in camera* with counsel for the children. This meeting lead to a further case management meeting on March 12, 2015, where the parties filed competing applications for parenting and affidavits in support.

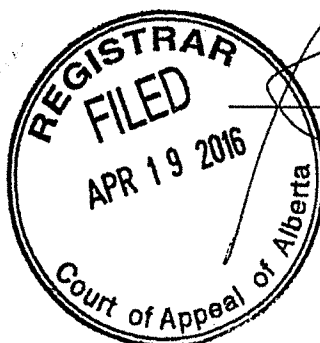
[5] The case management judge, upon considering the information from the *in camera* meeting, the affidavits of each parent and counsel submissions, was satisfied that there was an emergent situation and carried out what she referred to as a drastic step in the best interests of the children. She awarded the father sole custody of the four children who were, until then, in a shared parenting situation.

[6] The mother appeals the order because, among other things, she contends there was no material change in circumstances and the parties' affidavits conflicted on material points. She relies on statements from this court to that effect and we take no quarrel with those comments. This Court's interference with interim orders in family law situation is only warranted in exceptional circumstances, see e.g., *Hickey v Hickey*, [1999] 2 SCR 518, 240 NR 312.

[7] This case management judge, having carriage of the file since 2011, was acutely aware of the dynamics of this family and made an interim order in the best interests of the children. Accordingly, we grant deference to her decision to grant the interim order and dismiss the appeal.

Appeal heard on April 15, 2016

Memorandum filed at Calgary, Alberta
this 19th day of April, 2016



Veldhuis J.A.

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Appearances:

D.P. Castle

J.M. Hegberg

for the Respondent

D. Harms

for the Appellant

S. Channan

for the children