Ottawa Men's Centre

Peter Roscoe's Research

Superior Court Penalties I

Striking Pleadings

Striking pleadings is a punitive measure that can refer to disallowing only a specific pleading, but in the family context it has been used in southern Ontario to disallow a parties entire case. An uncontested or ex parte trial may ensue or the entire action may be stayed. Striking pleadings is primarily used at interim motions or trial, however there is at least one example of post trial striking related to variations. A decision striking pleadings may be either interlocutory, or final, or ruled as both. It may be remediable or non remediable. A remedy may be prescribed within the ruling for compliance with specific terms. Reapplication may or may not be necessary. It may or may not be appealable. Striking may be applied at ex parte, hearings. It is at the courts discretion

A brief search of the Canadian database indicates that this penalty has rarely ever been used in other provinces in contested family actions, besides Ontario. Only 2 additional cases were found. One in Alberta, from Newfoundland. Statistical data shows this penalty has undergone an evolution in the last decade. Between 1990 and 2000 there were only 2 reported cases in Toronto region. 4 other cases could be found where such a judgement was sought, but the court refused or overturned it on appeal. In both cases where pleadings were struck the parties were males, were represented by lawyers, and remedies were offered. The premier authority appears to be Losee v Geodiadis (1998) O.J. No. 301where it was stated that pleadings might only be struck in the most extreme cases and it was not appropriate in highly contested actions, - or where the interests of children were involved, - or where the party was making attempts to comply. This was born out in both Sagoo v. Sagoo, 1998 CanLII 3204 (ON C.A.) and Swanson v. Swanson, 1999 CanLII 1306 (ON C.A.

The cases can be summarized as follows

Toronto / Whitby / Missauga / Newmarket

Sharif	1991	pleadings struck	male	represented
Jacobs	1996	pleadings struck	male	represented
Losee	1998	motion dismissed	male	represented
Sagoo	1998	reversed on appeal	female	represented
Waisglass	1998	reversed on appeal	male	represented
Swanson	1999	reversed on appeal	male	represented

Swanson v. Swanson, 1999 CanLII 1306 (ON C.A.)

9] [10] Because the trial judge does not appear to have been aware of the full facts and in particular the fact that the $9,500 required by O'Connell J. had been paid prior to trial, in all the circumstances, proceeding with the trial without giving the husband an opportunity to attend and seek leave to participate resulted in procedural unfairness, particularly where the result was an unequal division of family property and reduction in the husband's access to the child.

[11] In the circumstances, we are satisfied that the husband should be given the opportunity to participate in the trial.

* Sagoo v. Sagoo, 1998 CanLII 3204 (ON C.A.)

[1] There was no urgency that required that McIsaac J. proceed with the cross-motion in the absence of the appellant and without giving her a reasonable opportunity to respond to the very serious allegations in the material first served on her counsel two days before the hearing. In our view, McIsaac J. erred in principle in proceeding in that fashion and was seriously in error in making findings as to the appellant's mental state without giving her an opportunity to respond.

The appeal must be allowed, the order of McIsaac J. set aside and the appellant's pleading restored.

* Lose v Geodiadis (1998) O.J. No. 301

Only in unique circumstances should a court be denied the opportunity to hear all the evidence and to assess the credibility of the witnesses before deciding a family law dispute, especially when the welfare of children is at stake.

There were factual and credibility issues that had to be resolved, both of which might have a direct effect on the final determination of access and the quantum of child support.

Finally, the truth of the allegations about each party's competence as a parent, since they relate directly to the welfare of the children, had to be determined.

Interim orders, by their nature, are fragile and questionable, especially in domestic litigation; they are often based on incomplete evidence, presented in a summary fashion, intended to be short-term resolutions. Interim motions are often brought on quickly, argued and presented by counsel who have not had adequate time to prepare properly. Because of this, interim orders are the most vulnerable to error.

¶ To suggest that failure to comply strictly with the terms of an interim order, especially support, custody or access in domestic litigation, is to deny the simple possibility that the judge was wrong in making the order, for the reasons mentioned. This would be unfair and illogical.

Between 2000 and 2006, there was a major change. There were at least 30 attempts to strike pleadings that succeeded. This is almost a 25 fold increase in half the time period. To be more specific, 20 of the 30 happened in 2003 and 2004. Compared to only 2 in the previous decade, it’s a yearly rate increase of 50

times, or 5000 %. 28 of the 30, or 93.3 %,were males. Of the 2 contested cases where a woman's pleadings were struck, in Woofle 2001, custody was already decided, and the wife was allowed to participate in the determination of support. In the other case, Campeau 2004, there were no children and support terms had already been set in a divorce agreement. The couple had lived in Austria and the wife disputed Canada was the proper country in which to hold the divorce. She did not answer the divorce application and lost her motion to change venue. Her pleadings were struck without an answer. It would appear from subsequent endorsements that she then sought to liquidate her Canadian assets and her ex husband started a fraudulent conveyance suit against her and requested her assets frozen. The husband lost his attempt to do so and the case is still ongoing.. It's an entirely different outcome from another Ottawa case, Dasilva 2003, where a the ex husbands assets were frozen and both he and his new spouse were sentenced to prison for fraud.. Two other cases involving women being stricken can also be found in the database. McEnvoy 2003 from Thunder Bay was uncontested so is not included in this study. Martin 2004 from Kingston featured a pretrial striking of the husbands pleadings and a post trial striking of the wifes pleadings. It is not exactly obvious what the circumstances and effects of a post trial striking are so that ruling has not been included either. Apparently another unusual case.

Woolf v. Woolf, 2001 CanLII 8591 (ON C.A.)

[1] The appellant appeals from the order of Benotto J. finding her in contempt of court and ordering her pleadings to be struck out, declaring there to be no child support arrears, and directing the release of funds to the respondent and awarding him costs of $25,000

[4] At present, the appellant is receiving interim support payments for the children pursuant to an order made in April 2001 and these will continue

[6] The appellant has not purged her contempt and has shown a complete disdain for orders of the court. In our opinion, the appeal from the contempt order should be dismissed.

The appellant may be a witness on behalf of the children and give evidence respecting the husband's income and the children's extraordinary expenses at a trial.

Campeau v. Campeau, 2004 CanLII 42942 (ON S.C.)

[8] Robert Campeau has had a long-standing dispute with his daughter, Rachelle Archambault, over monies that he allegedly owes to her.

9] As a result of the Minutes of Settlement between Rachelle Archambault and Robert Campeau and the others, dated September 5, 1997, a judgment was entered in favour of Rachelle Archambault against Robert Campeau, in the sum of $2,347,178

[13] In early 2003, Ilse Campeau commenced divorce proceedings, in Austria, and Robert Campeau began family law proceedings with the Ontario Superior Court of Justice, Family Court. Robert Campeau also retained legal counsel, in the Austrian divorce proceedings, to challenge which of the Austrian domestic courts should have jurisdiction. In February 2004, the Austrian Court determined that the Thalamus District Court has jurisdiction over the issues between the parties.

Campeau v. Campeau, 2005 CanLII 25948 (ON S.C.)

[1] The Respondents move to set aside a final order made by Lalonde J. on March 7, 2005, after an uncontested trial, and an order made by him without notice on March 16. The March 16 order sets out

terms for the preservation of the premises at 1 Post Road, Don Mills. The March 7 order sets aside the conveyance of that property from Ilse Campeau to FXW as a fraudulent conveyance.

[3] A procedural review of the case is helpful. The action was commenced by Mr. Campeau, against Mrs. Campeau in 2003 seeking support and equalization of net family property under the *Family Law Act*. On April 30, 2004 Mr. Weiss was added as a party. On June 11 FXW was also added. The amendments (the fourth amended application) setting out the claim related to the alleged fraudulent conveyance against these added parties were made on June 11, 2004. Mrs. Campeau's pleadings were struck on July 29, 2004. On October 4, 2004, Mr. Campeau obtained an order severing the trial of the equalization and support issues, from that of the alleged fraudulent conveyance. The respondents Weiss and FXW were not permitted to participate in the first trial. It proceeded to trial on an uncontested basis on October 12, 2004.

Mr. Langlois ought to have told Mr. Appotive the date for service upon which he was relying. At this same time Mr. Langlois was securing a date from the court upon which the uncontested trial would proceed. Mr. Langlois had confirmed with the court on February 10 that the uncontested trial would proceed on February 15. For reasons of which I am unaware, it did not proceed until March 7

Mr. Weiss says that fair market value was paid for the property and that he was unaware that Mrs. Campeau owed any money to Mr. Campeau at the time the transaction took place.

[24] For these reasons the orders made by Lalonde J. dated March 7 and 16, 2005, are set aside as against these Respondents. The time for delivery of their answer is extended until June 15, 2005

Jonas v. Da Silva, 2003 CanLII 49354 (ON S.C.)

[7] By the fall of 2001 significant child support arrears had accumulated. As a result, on November 30, 2001, Linhares de Sousa J. ordered that Ric Jonas' answer and pleadings should be struck unless the arrears were paid prior to December 12, 2001

[9] On May 22, 2002, Aitken J. released detailed Reasons for Decision after an appearance before her on April 22, 2002. Ric Jonas declared bankruptcy on April 19, 2002. Aitken J. made an order pursuant to s. 69.4 of the *Bankruptcy and Insolvency Act* allowing the proceedings to be continued notwithstanding the bankruptcy. She permitted the Applicant to pursue a claim "to have declared void as fraudulent conveyances the gifts by the respondent Ric Jonas to Karyn and Andrew (Drew) Jonas of his interest in his mother's trust".

[15] She held that Ric Jonas was personally liable to pay into the Ontario Superior Court "to the credit of this action the sums of $78,562.58 CDN and $88,003.92 US"…(approximately $215,000 in Canadian funds.)

[16] She then went on to hold:
Karyn Jonas was a party to the fraudulent conveyance to herself of $78,562.58 CDN. Karyn Jonas is personally liable on a joint and several basis with Ric Jonas to pay into the Superior Court of Justice (Ontario) to the credit of this action the sum of $78,562.58 CDN.

[19] She went on to make Luiz Da Silva a party to the family law proceeding for a limited purpose

[23] On September 5, 2002, Chadwick J. found Karyn Jonas in contempt of the orders of Aitken J. and sentenced her to sixty (60) days in the Ottawa-Carleton Detention Centre. He also found Ric Jonas in contempt. He was sentenced to one hundred and twenty (120) days

- **It is also clear that the penalty of striking pleadings is primarily applied against self represented parties.**
- Of the 30 cases only 4 parties were represented, **19 parties were self represented**, and representation was not stated in 7 cases. The distribution of cases can be seen to have changed. It has radiated out of Toronto in the early 2000's to nearby urban centers but has not yet reached northern Ontario where the same laws apply. **It can also be seen that a small number of judges are responsible for a majority of these decisions.**

Recent cases can be summarized as follows.

Toronto / Whitby / Missauga / Newmarket

Bolt	2006	male		self represented
Romanecko	2005	male	?	?
Haunert – Faga	2005	male	Perkins J	?
Hartman	2004	male	Stinson J	self represented
Ristimaki	2004	male	Low J	self represented
Costabile	2004	male	Perkins J	self represented
Fernbach	2004	male	Wood J	self represented
Stein	2003	male	Bennotto J	self represented
DiGiosaffatte	2003	male	Rodgers J	lawyer
Myles	2003	male	Agro J	?
Domb	2002	male	Wildman J	self represented
Woolfe	2001	female	Bennotto J	lawyer
Rosenthal	2000	male	?	?

Windsor / London

DeMarco	2003	male	Bain J	self represented
Durocher	2003	male	Brokenshire J	?
Boucher	2003	male	Quinn J	?
Morar	2003	male	Quinn J	self represented

Ottawa

Cunningham	2006	male	Panet J	self represented
JMM v GSM	2005	male	?	self represented
NL v JL	2005	male	Blishen	self represented
JBG v LB	2005 / 2004 ?	male	Wildman J	self represented
Campeau	2004	female	?	lawyer
DaSiliva	2003	male	deSousa J	self represented
Slieman	2003	male	Metivier J	self represented
Davis	2003	male	Metivier J	self represented

Roscoe	2003	male	deSousa J	self represented
Grant	2003	male	Blishen J	self represented

Kingston

Martin	2004	male	McIsaac J	?
Griffin	2004	male	Dunbar J	self represented
Murano	2002 ?	male	Wildman J	lawyer

During this time period there were three cases where pleadings were which were reversed on appeal. These were Stein 2002 from Toronto / Newmarket, Davis 2003 from Ottawa, and JL 2005 also from Ottawa. Two of these 3 parties were originally self represented but obtained lawyers for the appeal.

Cases where pleadings are struck often result in protracted post trial litigation. Of the 10 cases on record in the Ottawa region, 3 have had more than a dozen related appearances. 4 went to the Court of Appeal. One of them went to appeal 3 times. 4 parties were imprisoned. One parties pleadings were struck twice.

Orser v. Grant, 2003 CanLII 2277 (ON S.C.)

[1] At this juncture in a protracted family law proceeding spanning the last 3 years, the Director of the Family Responsibility Office (FRO) seeks a finding that the Respondent, Mr. Grant, has failed to obey a financial disclosure order made on motion before Justice de Sousa on January 15, 2003.

[8] On November 21, 2000, Justice O'Driscoll of the Divisional Court dismissed Mr. Grant's motion to extend time for leave to appeal to the Divisional Court and for a stay of Justice Benotto's order, with costs of $1,800. Two days later, on November 23, 2000, Madam Justice Sachs struck Mr. Grant's pleadings and ordered that they could not be reinstated until he paid the child support and costs previously ordered, after which the application could proceed to trial and issues of credibility could be canvassed.

[10] On December 11, 2002, Mr. Grant returned to Canada and was arrested as an absconding debtor, pursuant to a warrant issued on December 9, 2002, under s.49(1) of the *FRSAE* Act.

[11] Since his return to Canada, Mr. Grant has once again brought numerous motions and applications in Toronto and Milton including: a motion to the Ontario Court of Appeal

[16] After being served with notice of this motion by the FRO, Mr. Grant filed a notice of cross-motion requesting an adjournment as he had filed and served, on April 10, 2003, a notice of constitutional question, and wished to set a half day to argue that issue.

Other than his financial statement which, as previously noted, did not have any supporting documentation attached, the other documents are not relevant to the issues under the FRSAE Act. To require counsel for the FRO and the judge on a default hearing under s. 41 of the FRSAE Act to review 305 pages of largely irrelevant material and hear submissions based on that material would be a waste of time and cause unnecessary delay.

[24] Therefore, pursuant to Rule 14(22) and (23) of the Family Law Rules, I am striking Mr. Grant's notice of motion and cross-motion and all affidavit evidence and documentation filed in his motion and cross-motion records, other than his recent financial statement.

FRO v Roscoe (2005) Superior Court File # 01 FL 2117 B

[5] Mr. Roscoe has also filed a dispute. He does not offer any reason why he failed to pay the support payments, nor does he dispute the amount claimed. However, he alleges that, "his constitutional rights have been violated by a child support order that does not conform with the laws and was obtained by fraud and error".

[18] In the circumstances, I order Mr. Roscoe to pay the accumulated arrears of $15,313.40 by periodic payments of $500.00 per month starting November 1, 2005. In default of this order, Mr. Roscoe is to be committed to jail for a period of 60 days.

Roscoe v Roscoe (2005) Superior Court File # 01 FL 2117 A

[1] Enough is enough. This Court has limited resources and must, therefore, attempt to deal with the work before it in a fashion that is fair to all users of the court. While a person's access to justice is a fundamental right, the court must be diligent to ensure that its processes are not abused by any particular litigant to the detriment, not only to those directly involved in the litigation, but, as well, to the system at large.

[2] I am satisfied that Mr. P.R. is a vexatious litigator. He is abusing the processes of this Court. Indeed, during the argument before me on November 18, 2005, Mr. P.R. informed the court that he has been in this Court and in the Ontario Provincial Court on seventy (70) occasions with respect to his family law issues. Even if seventy (70) is not the correct count, the actual number is substantial.

Jonas v. Da Silva, 2003 CanLII 49354 (ON S.C.)

[7] By the fall of 2001 significant child support arrears had accumulated. As a result, on November 30, 2001, Linhares de Sousa J. ordered that Ric Jonas' answer and pleadings should be struck unless the arrears were paid prior to December 12, 2001

[23] On September 5, 2002, Chadwick J. found Karyn Jonas in contempt of the orders of Aitken J. and sentenced her to sixty (60) days in the Ottawa-Carleton Detention Centre. He also found Ric Jonas in contempt. He was sentenced to one hundred and twenty (120) days

[41] However, looking to all of the relevant circumstances, I order that the 80% exemption from seizure or garnishment provided for in s. 7(2) of the Act be reduced from 80% to 70% subject, of course, to the provisions of subsection (1) of s. 7

Campeau v. Campeau, 2006 CanLII 19430 (ON S.C.)
Campeau v. Campeau, 2006 CanLII 14402 (ON S.C.)
Campeau v. Campeau, 2006 CanLII 13763 (ON S.C.)
Campeau v. Campeau, 2005 CanLII 25948 (ON S.C.)
Campeau v. Campeau, 2005 CanLII 617 (ON S.C.)
Campeau v. Campeau, 2005 CanLII 27600 (ON S.C.)
Campeau v. Campeau, 2005 CanLII 8684 (ON S.C.)

Campeau v. Campeau, 2004 CanLII 42942 (ON S.C.)
Campeau v. Ontario, 2004 CanLII 25073 (ON S.C.)
Campeau v. Campeau, 2003 CanLII 2074 (ON S.C.)
Archambault v. Anstalt, 2007 CanLII 1337 (ON S.C.)
Archambault v. Anstalt, 2006 CanLII 29519 (ON S.C.)

The causes and results of striking are uneven. Generally some violation of an interim order. Failure to pay support, costs, or financial disclosure. In Airst (1998) OJ No 2629 there were 16 motions for financial disclosure and his pleadings were not struck. In Murano (2002) OJ No 3632, the motion was coupled with contempt and he was jailed. In Kropf 2003 CanLII 2155 (ON S.C.) it was conceded that he had violated court orders but Stein J felt it would serve no useful purpose to strike his pleadings.

Airst v Airst [1998] O.J. No. 5195

Over the course of the proceedings Mrs. Airst brought motions or made requests at case conferences on 16 occasions to compel Mr. Airst to produce financial disclosure or to provide Mrs. Airst or her experts with access to information or properties and fourteen orders or agreements at case conferences were made for Mr. Airst to provide such disclosure

On all of the evidence it appears to me that Mr. Airst should be required to post security for the cost of this appeal and some security for the costs of trial. I therefore order that the sum of $40,000 be posted as security for costs of the appeal and that $60,000 be posted as security for the costs of the trial for a total of $100,000

Murano v Murano [2002] O.J. No. 3632

1 **SIMMONS J.A.**:— Mr. Murano failed to comply with orders made in a divorce proceeding requiring that he pay interim child support, interim spousal support, and costs, and requiring that he provide detailed financial disclosure. On June 13, 2001, Dunbar J. found Mr. Murano in contempt. However, she adjourned the matter to June 25, 2001 and ordered that Mr. Murano be imprisoned for seven days if he did not, in the meantime, comply with orders dated March 7, 2001, April 11, 2001, and April 18, 2001.

¶ 2 On July 4, 2001, Robertson J. found that Mr. Murano was making some efforts at compliance with the terms of the three orders, but that he had not complied fully. She ordered that a warrant of committal issue. She also ordered that Mr. Murano's pleadings be struck on July 11, 2001, but reserved his right to make submissions "on the pleadings remaining before the court and appropriate costs sanctions" in the event he complied with the June 13, 2001 order

¶ 3 Mr. Murano appeals from the July 4, 2001 order. The main issues on appeal are: i) whether the motions judge erred by enforcing payment orders by way of contempt proceedings; ii) whether the motions judge erred by enforcing the June 13, 2001 order for imprisonment without conducting a full hearing into the allegations of contempt; and iii) whether the motions judge exceeded her jurisdiction by striking Mr. Murano's pleadings.

Read as a whole, the motions judge's reasons reflect a finding that, in the face of a pattern of flagrant non-compliance, Mr. Murano's latest efforts amounted to "too little, too late". I see no error in the manner in which the motions judge exercised her discretion, and I find that the record amply supports her conclusion.

Murano, Re (2004) Superior Court File 71/00

1] Joseph Murano (respondent) admits he is $158,780 in default as shown in a statement of arrears filed in the office of the Director, Family Responsibility Office (applicant) pursuant to a support order dated January 16, 2003.

[2] The respondent appears before the court today, and offers the following explanation for the default:
(a) he questions the legitimacy of the order, having not participated in a trial, as his pleadings had been struck
(b) he testifies his total income for the years 2002, 2003 is derived from a disability pension from Workers' Compensation in the monthly amount of $364.60, 50% of which is garnisheed by the applicant

The respondent and his present spouse have been charged under the *Radio Communications Act* with selling illegal U.S. satellite systems. How is this possible, if he has no money?

Kropf v. Kropf, 2003 CanLII 2155 (ON S.C.)

[15] I am told that the Respondent is in arrears of child support in the amount of $2,035. Further, I am advised that he is in arrears with respect to spousal support in the amount of some $8,000. as of April 23, 2003.

It is not full financial disclosure. Details are inadequate and would not provide a reliable basis for an accurate assessment of his actual income.

[19] In my opinion, this file is out of control. A final resolution is not on the horizon notwithstanding that the application was commenced more than two and one-half years ago.

[21] No useful purpose would be achieved in striking the Respondent's pleadings

While striking was obviously underwent rapid growth in 2003 and 2004 there was a sharp decline in 2005 In 2005 only 3 cases saw pleadings struck and one of these cases was overturned on appeal. The record shows that 17 attempts were made but only 2 ultimately succeeded. 14 of the 17 cases were defended by lawyers. All 3 of the cases struck were self represented, though one had their decision overturned on appeal. Only one attempt was made against a woman and she was not struck.

Cases where pleadings were not struck in 2005 can be summarized as follows

Oliver v Aronchick	Nov24, 2005	male	represented	not struck
DeBiasio v DeBiasio	Feb 3, 2005	male	represented	not struck
Mantella v Mantella	June 12, 2005	male	represented	not struck
Jackson v Jackson	Mar 3, 2005	male	represented	not struck
Forbes v McKewon	Mar 8 2005	male	represented	not struck
Matanovik v Matanovic	Dec 23, 2005	male	represented	not struck
Upaipau v Kisson	Dec 20 2005	male	represented	not struck

Astbury v Brock	May 30, 2005	male	represented	not struck
Cunningham v Montgomery Cunningham	2005	male	represented	not struck
Harris v Harris	Apr 1, 2005	male	represented	not struck
Chernyakhovsky v Chernyakhovsky	Mar 15, 2005	male	self represented	not struck
Mouldry v Mouldry	June 23, 2005	male	represented	not struck
Rose v Rose	Dec 12, 2005	male	represented	not struck
CSM v AGM	Feb 24, 2005	female	represented	not struck

For family cases where striking of pleadings was an issue the data can be summarized as follows.

	Total cases	Total struck	Overturned on appeal	Percent Total cases	Total struck	Overturned on appeal
Men	30	28	3	100	89.7	10.3
Women	2	2	1	100	50.0	50.0

Cases struck by year

	2000	2001	2002	2003	2004	2005	(2006)
Cases struck	1	1	2	12	8	3	2
Overturned on appeal	0	0	1	1	0	1	0
Total	1	1	1	11	9	2	2

Representation Post 2000

	Total cases	Lawyer	Self represented	Unknown
Men	28	2	19	7
Women	2	2	0	0

For 2005

	Total cases	Total struck	Overturned on appeal
Men	16	2	1
Women	1	0	0

% Men with Pleadings struck = 30 / 32 x 100 = 93.8 %

% Women with Pleadings Struck = 2 / 32 x 100 = 6.2 %

Conclusions

It must be noted that 3 out of 28 men stricken were overturned on appeal which is equivalent to receiving relief. In Campeau 2004 discussed above, related prior decisions for a female were overturned so when relief is considered the data is as follows.

% Men with Pleadings struck = 25 / 26 x 100 = 96.2 %

% Women with Pleadings Struck = 1 / 26 x 100 = 3.8 %

It can be concluded that the penalty of striking a parties pleadings in family cases is primarily applied against males. In 15 years it has only twice been partially applied to females. Major changes in magnitude and distribution have occurred between this and the previous decade. Yearly application has become on average, 25 times ((30/6) / (2/10)) more common in southern Ontario. Whereas in the 1990's the only known examples were in the Toronto region, Ottawa has now become the per capita striking capital of Canada. From being ordered 100 % against lawyer represented parties in the past decade it is now ordered 82.6 % (19 / 23 x 100) against self represented parties. Since there have been no changes in the law during this period it can only be explained as a judicial reinterpretation of existing statutes. The rapid spread from the original epicenter in the Toronto region shows there has been collusion as it is simply not credible that a small group of judges at proximal centers would simultaneously and independently, take it upon themselves to reinterpret the laws and set new precedents. Time distributions are extremely uneven. Low rates in the early 2000's exploded in 2003 / 2004. Then a major decline occurred in 2005 which seems to have continued into 2006. Almost like a purge or experiment that started to get out of control.

The consequences of striking pleadings may be most severe. A persons entire life savings, home, family, possessions, future income, … may be divided up on the claims of the opposing party. They may lose everything with no say, at the discretion of the court. If appeal is even possible, it may be ruled that the parties evidence was not before the trial judge, therefore the judge made the correct decision on the evidence that was before them. Though its the application may be justified by several statutes this law must be primarily viewed as being a judge made feature of the divorce process.