

## In the Supreme Court of British Columbia

Petitioners:

**JEREMIAH JACOB SMITH and JOSEPHINE JANE SMITH**

Petition Respondents:

**JOHN JAMES DOE and JANE JANICE DOE**

### RESPONSE TO PETITION

**Filed by: John James Doe**

THIS IS A RESPONSE TO the Petition filed by Jeremiah Jacob Smith and Josephine Jane Smith

#### Part 1: Orders Consented To

The petition respondent consents to the granting of the orders set out in the following paragraphs of Part 1 of the Petition: \_\_\_\_\_ .

#### Part 2: Orders Opposed

The petition respondent opposes the granting of the orders set out in paragraphs 1 and 2 of Part 1 of the Petition.

#### Part 3: Orders on which No Position is Taken

The petition respondent takes no position on the granting of the orders set out in paragraphs \_\_\_\_\_ of Part 1 of the Petition.

#### Part 4: Factual Basis

1. I am one of the Petition Respondents, the ex-husband of the Respondent Jane Janice Doe and the father of the children Jennifer and Jeffrey Doe.
2. On 15 December 2014, I was arrested for allegedly drinking and driving following my employer's Christmas party. As I was arrested on a Friday night, I was not released until

Monday morning. It is my view that I had not drunk enough to blow over the limit and my criminal defence lawyer will be challenging the accuracy of the breath analyzer the police used. Nevertheless, it is true that I was arrested.

3. The next week, my ex-wife, the other Petition Respondent in this matter, was arrested on charges of manslaughter. The children were with the Petition Respondent at the time of her arrest as it was her week with the children pursuant to our divorce order and the Petition Respondent arranged for the children to be placed in the care of the Petitioners.
4. The Petitioners have thereafter refused to return the children to my care and have retained them contrary to my wishes.
5. It is contrary to the children's best interests to be kept in the care of their grandparents, the Petitioners, both of whom suffer from debilitating arthritis and osteoporosis such that they are not physically able to care for the children and would be unable to assist them in the event of an accident.

#### **Part 5: Legal Basis**

1. The Petitioners should not be granted leave to interfere with the divorce order. The variation they seek is without merit and only serves to delay the return of the children to my care and to cause me unnecessary time and expense.
2. I am prepared to agree that the Petitioners may have reasonable contact with the children. The Petitioners are not entitled to anything more than that.

#### **Part 6: Material to be Relied Upon**

1. Affidavit #1 of John James Doe, made on 1 February 2015.

The petition respondent estimates that the hearing of the Petition will take 90 minutes.

Date: 1 February 2015

*John Doe*  
 \_\_\_\_\_  
 JOHN JAMES DOE  
 Petition Respondent

Petition respondent's address for service:

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 Vancouver, British Columbia V1A 2B3

Fax:

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Name of the petition respondent's lawyer:

None.