

CANADA / JUDGMENT

Coombs v. Fox

2020 BCSC 1516

COURT

Supreme Court of British Columbia

DECIDED

9 October 2020

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2020 BCSC 1516 Coombs v. Fox IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Coombs v. Fox, 2020 BCSC 1516 Date: 20201009 Docket: E181926 Registry: Vancouver Between: Shirley Marie Coombs a.k.a. Shirley Marie Fox Claimant And Ronald Joseph Fox Respondent Before: The Honourable Mr. Justice Basran Reasons for Judgment Counsel for Claimant: B. Ingram Counsel for Respondent: S. Specht Written Submissions Dated: October 7, 2020 Place and Date of Judgment: Vancouver, B.C. October 9, 2020

- [1] Ronald Fox seeks disclosure of materials sent by Shirley Coombs to Dr. Gary Hayes and the Insurance Corporation of British Columbia ("ICBC") in 2019 and 2020. These materials are regarding Mr. Fox. Dr. Hayes is Mr. Fox's family physician. Mr. Fox also wants copies of any responses Ms. Coombs may have received in respect of these materials. He also seeks costs in any event of the cause.
- [2] The parties are former spouses, married in 1993 and separated in June 2018. The underlying action commenced in July 2018.
- [3] In June 2020, Dr. Hayes informed Mr. Fox that Ms. Coombs delivered a package of materials to his office in late 2019. The materials were regarding Mr. Fox. They apparently included letters from Ms. Coombs, photographs, and a large volume of legal papers. Dr. Hayes disposed of these unsolicited materials because he did not want to become involved in the marital problems of one of his patients.
- [4] Also in June 2020, Mr. Fox discovered that Ms. Coombs had also sent materials regarding him to ICBC.
- [5] On July 13, 2020, Ms. Specht, counsel for Mr. Fox, wrote to Mr. Ingram, counsel for Ms. Coombs, seeking disclosure of the materials sent to Dr. Hayes and ICBC, pursuant to R. 9-1 of the Supreme Court Family Rules. Mr. Ingram did not reply to this correspondence and did not produce or list the requested documents.
- [6] On September 11, 2020, Ms. Specht filed a Notice of Application seeking the requested documents. This is the application that is before the Court.

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- [7] On September 29, 2020, Mr. Ingram filed an Application Response in which he substantially consented to the orders sought on the application but on somewhat different and more limited terms.
- [8] I am satisfied that the requested documents are relevant to the issues in dispute between the parties. Mr. Ingram should have provided these documents to Ms. Specht and he should have listed them on an amended List of Documents.
- [9] I am granting the order sought: The Claimant, Ms. Coombs, must produce a full copy of all materials and documents that she delivered to Dr. Gary Hayes and ICBC in relation to the Respondent, Ronald Fox, in 2019 and 2020, and any response(s) that she may have received.
- [10] Mr. Ingram's failure to respond to Ms. Specht's letter dated July 13, 2020 necessitated this application. On this basis, the Respondent is entitled to his costs of this application in any event of the cause. "Basran, J."
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