

# SUPREME COURT OF YUKON

Citation: *G.D.S. v. S.J.S.S.*, 2022 YKSC 20

Date: 20220404  
S.C. No. 14-D4702  
Registry: Whitehorse

BETWEEN

G.D.S.

Plaintiff

AND

S.J.S.S.

Defendant

Before Chief Justice S.M. Duncan

Counsel for the Plaintiff

Megan Whittle

Counsel for the Defendant

Lenore Morris

Counsel for the Children

Stephanie Dragoman (by videoconference)

This decision was delivered in the form of Oral Reasons on April 4, 2022. The Reasons have since been edited for transcription without changing the substance

## REASONS FOR DECISION

[1] DUNCAN C.J. (Oral): This is a decision on two applications: one from the plaintiff father, G.D.S., for an order permitting him to relocate with the children of the marriage (W.P.J.S., date of birth: May 4, 2010; and L.M.A.S., date of birth: June 25, 2012) from a Yukon community to Whitehorse upon the granting of a new order.

[2] The second application is from the defendant mother, S.J.S.S., for equal parenting time with the two children and shared decision-making in respect of the

children, with adjustments to the parenting schedule depending upon the location of the parties and the children.

[3] The father's proposed relocation to Whitehorse is not disputed by the mother. She indicated through counsel that she intended to move to Whitehorse but is not sure when. Her concern is the effect of the father's move on her time with the children. She consents to the relocation on the condition it does not occur until the end of the school year (June 2022) and that she has equal parenting time with the children.

[4] The main issue to be decided here is what amount of time spent by the children with each parent is in their best interests and what kind of shared decision making, if any, between the parents is in the children's best interests.

[5] The children's lawyer had an important contribution in this case, as she met with the children five times. This case raises questions about the voice of the child: how it is determined; what effect or impact does it have on the Court's decision; and how it should be taken into account when considering the best interests of the child.

[6] I will review the history of this matter, the current situation, the information received from the child lawyer and its implications, the law, and my analysis and decision.

[7] The parents began living together in 2008 and were married on August 20, 2011. They separated in December 2013. They have lived in the Yukon community since 2012. The father is an electrician employed by Yukon Energy and the mother owns and operates a motel.

[8] This is the first time that the parties have been in court. All matters to this point have been resolved through consent orders, and both parties and their counsel are to be commended for this.

[9] In April 2014, the parents agreed in a separation agreement to joint custody and guardianship of the children, and an equal timesharing according to an agreed-upon schedule. For the following year, although the schedule was two-week rotational, the mother had the children with her for less than that. She had moved from the Yukon community to Whitehorse in August 2014 to be with her boyfriend and did not follow the two-week schedule consistently.

[10] In April 2015, the mother moved back to the Yukon community and the two-week schedule continued. During her two weeks with the children, the mother often travelled to Whitehorse with them and, from time to time, she took the children out of day care or from the swimming pool during the father's parenting time.

[11] In October 2018, the parents agreed to switch to a one-week rotational schedule. This schedule was not always observed by the mother, who often asked the father to take the children during her parenting time or, on occasion, would take the children during his parenting time.

[12] In April 2020, the mother was suffering from anxiety as a result of financial and other concerns stemming from the COVID-19 pandemic. Her boyfriend also ended their six-year relationship around April 2020. The mother, at that time, offered the father full custody and primary residence of the children, as well as major decision-making responsibility for the children. This was done after she received legal advice.

[13] The father agreed, and the parents entered into a consent order on May 2020, reflecting this change. The mother was granted reasonable access to the children as agreed. In practice, since April 2020, the mother sees the children approximately five hours per week, on Saturday or Sunday.

[14] In April 2021, the mother emailed the father, his lawyer, and her lawyer, requesting increased parenting time. Then, on May 10, 2021, the mother sent another email, saying she had a serious health concern and offered to sign adoption papers allowing the father's partner to adopt the children.

[15] Four months later, in October 2021, the mother asked to return to joint decision making and shared parenting time. She indicated her business had recovered financially, reducing her financial stress; she had recovered from the breakup with her boyfriend; and she had been undergoing counselling, which has improved her emotional well-being and confidence level.

[16] The father does not dispute that W.P.J.S., the older child, has expressed in recent times the desire to spend more time with her mother. However, he did not agree to increase parenting time, based on the past pattern of behaviour of the mother and his concerns about the impact of the inconsistencies in the schedule on the best interests of the children.

[17] The father's reasons for relocating to Whitehorse include:

- (1) increased academic opportunities for the children;
- (2) increased access to counselling for the children;
- (3) increased opportunity for the children to see extended family;

- (4) increased opportunities for them to participate in extracurricular activities;  
and
- (5) better and more flexible employment opportunities for the father and his partner, allowing them more time with the children and more flexibility for their activities.

[18] The child lawyer met with the children separately on three occasions by Zoom while they were living with their father. She was satisfied that both children were mature enough to provide her with instructions.

[19] During those first three interviews, both children were consistent. They wanted to move to Whitehorse sometime in the future. They both expressed excitement about the greater opportunities there, such as guitar lessons and gymnastics, a larger school, and opportunities for more friends for W.P.J.S., and new friends and more extracurricular activities like martial arts for L.M.A.S.

[20] Both children were hesitant to embrace these opportunities now, however, because they are afraid of losing time with their mother. Both stated they wanted to spend more time with her and do not want to move yet because they will miss her if she stays in the Yukon community. Both children were consistent that they intended to relocate to Whitehorse in the future at some point.

[21] The children also requested more flexibility in their schedule when residing with their father. They complained about missing out on social events because of their father's strict parenting.

[22] Both children expressed concern for their mother's well-being. W.P.J.S. provided more detail to the child lawyer, saying she was worried that her mother will commit

suicide after her mother discussed a recent depressive episode and suicidal thoughts with her, and that her mother has financial concerns due to spending a lot of money renovating her house and the hotel. W.P.J.S. noted that her mother sometimes needs a break from being a parent. W.P.J.S. also expressed a personal obligation to stay in the Yukon community to assist her mother with responsibilities.

[23] The child lawyer met with the children on two more occasions closer to the court date: February 3 and March 11, at their request.

[24] On March 11, they were in the care of their mother for March break. The meeting on March 11 was concerning to the child lawyer. W.P.J.S. advised the child lawyer that the mother had read aloud the affidavits in the court materials to her and L.M.A.S., specifically the father's affidavit, his wife's affidavit, and the mother's affidavit. It also became clear that they had been read the February 2, 2022 reporting letter from the child lawyer.

[25] Both children told the child lawyer that the affidavits from the father and his partner were full of lies and the mother's affidavit was 100 percent correct. More specifically, they said that the father's wife's affidavit unfairly blamed the mother for scheduling problems and lack of stability, that the father's work schedule created the scheduling problems, and that many of the incidents described were irrelevant because they occurred so many years ago.

[26] Contrary to those affidavits, they said the mother does adequately balance the roles of friend and parent to the children, and she is not more of a friend than a guardian. They said the father also blames the mother unreasonably.

[27] W.P.J.S. downplayed her fears about the mother's reference to suicide, noting her mother had questioned her why she had said it. W.P.J.S. advised the child lawyer on March 11 that she had been reading a novel about suicide and meant the comment as a general concern for her mother's well-being. W.P.J.S. reiterated her desire to be present to help her mother if she went through another low point of mental health, although she does not think this is likely to happen again.

[28] Both children indicated on March 11 that they wanted to continue living in the Yukon community. They want the mother to have primary decision-making authority and some authority over the parenting schedule. They would like a one- or two-week rotation schedule. They are concerned, however, about a shared schedule creating conflict between the parents as it did in the past, and do not believe the father will facilitate equal shared parenting time. They both said they would be relocating to Whitehorse at some point, but it would not be with their father.

[29] During this meeting, the child lawyer described the children as much more emotional. W.P.J.S. was visibly anxious and upset, crying frequently; and L.M.A.S. was very distracted, moving around, getting up from the table, and less willing to engage with the child lawyer.

## **LAW**

### **Relocation**

[30] Section 16 of the *Divorce Act*, R.S.C., 1985, c. 3 ("*Divorce Act*"), sets out the factors to be considered in determining whether relocation is appropriate. Section 16.92(1) states that the Court must take into account among other things the reasons for the relocation and the impact of the relocation on the child, and the amount of time

spent with the child by each person with parenting time. The Court must also consider the reasonableness of any proposal to vary the exercise of parenting time, considering the location of the new residence and travel expenses. And finally, the Court must also consider whether the statutory 60-day notice of relocation has been complied with.

There are other factors as well in s. 16.92, but those are the main ones that are applicable in this case.

[31] Section 16.93(2) provides that if the children spent the majority of their time in the care of the parent who seeks to relocate, the parent who opposes the relocation has the burden of proving the relocation would not be in the best interests of the children.

[32] The amendments to the *Divorce Act* removed the presumption that maximum contact with both parents is the applicable principle. Instead, s. 16.6 of the *Divorce Act* provides that in allocating parenting time, the Court shall give effect to the principle that a child should have as much time with each spouse as is consistent with the best interests of the child.

### **Parenting orders**

[33] Section 16(1) of the *Divorce Act* requires the Court to take into consideration only the best interests of the child in making a parenting order.

[34] Section 16(2) of the *Divorce Act* sets out the factors the Court must consider in determining the best interests of the child. Primary consideration must be given to the child's physical, emotional and psychological safety, security and well-being.

[35] Section 16(3) specifically sets out a number of factors. I have taken them all into account, but I want to specifically refer to five of them.



[36] Section 16(3):

In determining the best interests of the child, the court shall consider all factors related to the circumstances of the child, including

(a) the child's needs, given the child's age and stage of development, such as the child's need for stability;

[37] In this case, the father is concerned that the mother does not provide adequate stability.

[38] Section 16(3)(c) states:

(c) each spouse's willingness to support the development and maintenance of the child's relationship with the other spouse;

[39] In this case, the mother says the father is not supportive of her relationship with the children.

(e) the child's views and preferences, giving due weight to the child's age and maturity, unless they cannot be ascertained;

[40] In this case, the mother says the child's views and preferences should be given significant weight.

(h) the ability and willingness of each person in respect of whom the order would apply to care for and meet the needs of the child;

[41] The parents have differing views of the other's ability to do this.

[42] And:

(i) the ability and willingness of each person in respect of whom the order would apply to communicate and cooperate, in particular with one another, on matters affecting the child;

[43] Once again, here, the mother complains that the father does not communicate to her information affecting the child's needs sufficiently.

### Children's views

[44] It is useful to look at some of the jurisprudence around the views of the child because of the concerns expressed by the child's lawyer, particularly after the March 11 visit with them, as well as the mother's insistence that the wishes of the children to spend more time with her should be given significant weight.

[45] The Ontario Court of Appeal, in *Decaen v Decaen*, 2013 ONCA 218, set out a number of relevant factors for a court to consider in assessing the significance of a child's wishes at para. 42. They are:

... (i) whether both parents are able to provide adequate care; (ii) how clear and unambivalent the wishes are; (iii) how informed the expression is; (iv) the age of the child; (v) the maturity level; (vi) the strength of the wish; (vii) the length of time the preference has been expressed for; (viii) practicalities; (ix) the influence of the parent(s) on the expressed wish or preference; (x) the overall context; and (xi) the circumstances of the preferences from the child's point of view. ... (citations omitted)

[46] In another case, *Doncaster v Field*, 2019 NSCA 61 at para. 30, the court clearly stated that the wishes of a 14- and 13-year-old were to be carefully considered in determining their best interests, but they remain only one factor among the conditions, means, needs, and other circumstances of the children that a judge must assess in reaching a decision.

### ANALYSIS

[47] It is clear that each parent has a different style of parenting. The father imposes more structure, discipline, and rules; while the mother has fewer or no rules, is more flexible, and values emotional communication. The mother sees the father as rigid and controlling, and thinks he does not listen to the children or value their feelings. The father sees the mother as inconsistent, incapable of maintaining a proper schedule,

irresponsible, and selfish. He acknowledges, however, that the children enjoy their time with her.

[48] I want first to address the development of the mother sharing with the children affidavit materials and the child law report of February 2 prepared for Court. I do not want this incident to influence unfairly my view of the mother. On the other hand, it raises serious concerns that are consistent with some of the concerns expressed by the father about the mother, specifically her identifying with the children as a friend rather than a parent; her failure to understand the impact of the parental conflict on them; and the failure to protect them from it.

[49] Acknowledging that this is the first court proceeding between the parties since their 2013 separation, the mother's sharing of the affidavits and child law report with an 11-year-old and a 9-year-old shows an unfortunate and significant lack of judgment. While children are almost always affected at some level by ongoing conflict between their parents, sharing court materials not intended for the children to see puts them in the centre of that conflict.

[50] In this case, an added factor is the mother's tendency to identify with the children as another victim of the father's rigid behaviour because of his alleged refusal to let the children spend more time with the mother. Whether intentional or not, the effect of the mother sharing the affidavits and report with the children was to make them an advocate for her with the child lawyer. It is inappropriate to put this unfair burden of responsibility upon the children, and damaging to the relationship with their father and his partner.

[51] As noted at page 21 of the article filed by counsel for the mother, *The Voice of the Child in Family Law: Exploring Strategies, Challenges, and Best Practices for Canada*, authored by Michael Saini, March 31, 2019, at page 21, he writes:

... Being placed in the middle of their parents' dispute can feel overwhelming for children and can induce feelings of guilt.

[52] I accept the uncontradicted evidence from the father that he has not disparaged the mother in front of the children; he has protected them from knowing the full extent of the mother's surrendering of responsibility for them in 2020 and 2021; and his consequent acceptance of blame from the children about them spending less time with their mother. While his parenting style is more structured, rule-based, and less emotion-focussed than the mother's, this does not appear to have been harmful or damaging to the children. Indeed, L.M.A.S. acknowledged to the child lawyer that although he does not like the rules or the reprimands, they are sometimes needed and deserved. The father has provided stability and protection for the children when it was needed. He appears to put them first and be consciously trying to act in their best interests.

### **DECISION ON RELOCATION**

[53] Since both parties and the children recognize the advantages for them of relocating to Whitehorse and no one is opposed to the relocation in and of itself- it is just the implications that are at issue- and proper notice as required by statute was provided, the relocation to Whitehorse will be permitted. It will not occur before June 2022, once the children have finished their school year.

### **PARENTING TIME AND DECISION MAKING**

[54] I agree with counsel for the father that the mother's request for equal parenting time and shared decision-making is premature. The mother has, over the last couple of

years, demonstrated dramatic shifts in her desire and apparent ability to look after the children. Before this, when parenting time was equal on consent, the schedules were in fact not equal and the father had responsibility for more than 50 percent of the time.

[55] Although the mother's situation appears to have improved since the consent order entered into in 2020, her 2021 repeat of the adoption offer, as well as the children's recent and ongoing expressed concern about her mental health and financial situation, suggests that an ongoing measure of instability still exists.

[56] Changing a consent order requires a significant degree of assurance of changed circumstances to justify the change. I commend the mother for the improvements she is making in her life through counselling and improving her financial situation, but it does not yet appear that the requisite amount of stability and consistency is present, especially given the past patterns of behaviour and the evidence of its impact on the children.

[57] The children have consistently expressed a desire to spend more time with their mother. This was clear before the court materials were shared with them. It appears that their main hesitation about relocating to Whitehorse was their fear that they will see their mother even less than they do now, which is unacceptable to them. This preference significantly intensified during the March 11 meeting with the child lawyer, after the sharing of the court materials.

[58] The mother requests that the children's preferences be given significant weight in my decision, while the father expressed concern about the mother inappropriately influencing the children. The child lawyer also expressed concern about this,

referencing the heightened emotion of the children and the similarity of their views to their mother's, as expressed in the affidavits at the last meeting.

[59] The children's voices must be heard in determining their best interests. As noted by academics and judges, it is now accepted that it is in the best interests of the children to participate in decisions that affect them. It is no longer considered appropriate to insulate the children completely from the parental conflict and consider them to lack capacity to participate. This is now considered an unrealistic and overly paternalistic approach that fails to recognize that the child has inevitably been affected by the parental conflict.

[60] Justice Martinson in *B.J.G. v. D.L.G.*, 2010 YKSC 44, described the child's views as rooted in legal rights stemming from the *United Nations Convention on the Rights of the Child* and Canadian law. Justice Martinson concluded that:

[4] ... Hearing from them can lead to better decisions that have a greater chance of success. Not hearing from them can have short and long term ... consequences for them. ...

[61] She also referred to the *Convention* provision that the child's views are to be given "weight in accordance with their age and maturity", and there is no "exception for cases involving high conflict" (para. 3).

[62] Not only are the preferences and views of the children a factor mandated for consideration by statute, but we are fortunate here in the Yukon to have an effective mechanism to bring their voices to the court through the appointment of a child lawyer and their report to the Court after interviewing the children.

[63] As set out in the *Guidelines* for the child lawyer, the child lawyer is to remain independent from the dispute before the Court, but they are asked to articulate the

child's voice and communicate their views about the child's views, wishes, and preferences.

[64] The *Guidelines* also provide that, in attempting to understand the basis for the child's preference, the child lawyer should consider whether the child is being influenced or pressured by a party and should investigate these concerns and determine if they affect the child's instructions.

[65] I am satisfied in this case that the child lawyer followed the *Guidelines* carefully and focussed on the children's views without bias. She investigated the possibility of influence on the children by speaking with the children and communicating those interactions to the Court.

[66] Although the children's voices must be heard, their views and preferences are one factor in the Court's consideration of the best interests. They are not the decision makers. The Court determines appropriate weight to be accorded to their views, based on age, maturity, and context of the dispute.

[67] In this case, I place less weight on the children's expressed views at the last meeting with the child lawyer. The mother's influence is obvious. The author of *The Voice of the Child* article, at page 17, emphasizes the importance of the context of the family dynamics when assessing the weight to be given to the child's views, and I quote:

... Older children and adolescents experiencing interparental conflict can be more vulnerable to the influence of their parents and therefore the extent to which their decisions are independent is questioned. When stuck in their parents' conflict, some children may be motivated to protect their relationships with their parents and may not want to upset their parents by expressing views that may be contrary to the expectations of their parents. When these factors prejudice children's input, there is a question as to what their

independent views might be if they were isolated from these dynamics. ...

[68] In this high conflict case, we have a clear example of the mother unduly influencing the children by sharing court materials prepared for this application. The children's protective concern — especially W.P.J.S. — about the mother, while perhaps not entirely unusual, is another factor affecting the weight to be given to the expressed views at the March meeting.

[69] Having said this, both children were consistent before the last two meetings with the child lawyer that they want to spend more time with their mother and their hesitancy about relocating appears tied to the fear of losing this time with her. So I accept in this case the children genuinely want to spend more time with their mother, especially W.P.J.S.

[70] From all of these circumstances and considering all of the factors referred to above, from the caselaw and the literature, I will order that the children be permitted to spend every second weekend with the mother, starting now, while they are still in the Yukon community, and continuing once they move to Whitehorse. The visits after the relocation shall all be in Whitehorse unless otherwise agreed.

[71] The decision-making shall remain with the father, as set out in the last consent order. Clearly, he has demonstrated a consistency in approach and provided the necessary stability for the children. I have two comments with respect to this issue.

[72] First, I appreciate the mother's frustration about not receiving enough information about the children's lives from the father, particularly related to L.M.A.S.'s health condition, so I encourage the father to be more forthcoming about information about the children. I note s. 16.4 of the *Divorce Act* says — and I am paraphrasing — that any



person to whom parenting time or decision-making responsibility has been allocated, that is, the mother, in this case — is entitled to request from another to whom parenting time has been allocated — in this case, the father — information about the child's well-being, including health and education. It may help to reduce the conflict and be in the children's best interests if the father could take more initiative to share such information with the mother.

[73] Second, the evidence in this application has shown that the children — especially W.P.J.S., maybe naturally, given her age — feel some frustration that their father does not listen to them enough. While I recognize that these feelings may have been more strongly expressed because of the mother's influence, I encourage the father to consider the children's perception of this and whether he can make any adjustment in his approach, especially as the children mature, so that they feel more heard by him.

#### **Other aspects**

[74] In terms of other aspects of the order, I think the consent order of May 19, 2020 — we did not really discuss whether all of this should remain in place, but the only thing I thought may need to be changed is para. 11, "The defendant may contact the children in writing." Perhaps that could be changed to, "The defendant may contact the children by phone, times to be agreed." The writing seems a bit — I am not sure what that meant. I mean, it is a consent order that did not come before the Court except for signature, so I am not sure what the intention of the parties was with the writing.

[75] MS. WHITTLE: Certainly. I don't take an issue with the phone. I think in our application we had discussed perhaps specific days and specific times. So, for instance, Tuesday, Thursday from 7:00 to 7:30, or something to that effect.

[76] THE COURT: Right. I do remember that now, yeah.

[77] MS. WHITTLE: It's just based on other extracurricular activities, and so forth.

[78] THE COURT: Right. Okay. So do you want to be that specific then?

[79] Ms. Morris, do you have any submissions on that, the timing of the phone calls?

[80] MS. MORRIS: I don't have any instructions on that.

[81] THE COURT: Okay. So perhaps then I will just order: Tuesdays and Thursdays, there may be phone communication between the mother and the children between 7:00 and 7:30 — or let us say 7:00 and 8:00.

[82] MS. MORRIS: Sorry, between 7:00 and 8:00?

[83] THE COURT: Between 7:00 and 8:00, yeah, p.m.

[84] MS. MORRIS: Can we specify what's meant by "weekend access"? Is that Friday to Monday?

[85] THE COURT: Normally, it would mean Friday after school to either Sunday night or Monday morning. Do you have a preference?

[86] MS. WHITTLE: Oh, I prefer Sunday night, just to ensure that they're getting to school.

[87] THE COURT: Yeah, I think that is wise. So Friday after school until Sunday evening after dinner.

[88] MS. WHITTLE: So perhaps we say 7 p.m., then?

[89] THE COURT: Sure, Sunday at 7 p.m.

[90] Is there anything else, Counsel?

[91] MS. MORRIS: What about summer holidays? Is there any change with respect to that?

[92] THE COURT: Yeah, I had a note about that, but I was not sure. I think “holidays” can be “as agreed”. There were no real submissions made on that, except in the context of if your client stayed in the Yukon community and they moved to Whitehorse then they would have more time.

[93] MS. MORRIS: I can advise the Court my client has sold the motel. It’s closing at the end of the month.

[94] THE COURT: Oh, she has already?

[95] MS. MORRIS: Yes, so this was — actually, it had been in negotiations for some time, but at the time that we were in court last month, she did not have a contract yet, so she did not want to put that out there, but she has. So her intention is to, at whatever point — so at the end of the school year, now, that she will move to Whitehorse. So we still need an order for this period of time, but the expectation is that she’ll be in Whitehorse this summer.

[96] THE COURT: Right. Okay. Was that set out in the application at all, holiday time?

[97] MS. WHITTLE: I can say that we have made submissions based on — I mean, there is some serious concern about her judgment and her ability to care for them for long periods of time.

[98] THE COURT: I think you said a week at a time.

[99] MS. WHITTLE: And we had suggested a total of three weeks over the summer period, but one week at a time.

[100] THE COURT: I think that is reasonable.

[101] MS. MORRIS: (laughs) I don't know if it's reasonable; I know that that's not what my client would like. I don't think she objects to it being limited to one week at a time for the summer, but that she'd like it to be every second week.

[102] THE COURT: So a rotational schedule, you mean?

[103] MS. MORRIS: Yes, for the summer holiday.

[104] THE COURT: I would be prepared to give her another week beyond what has been suggested, so four weeks over the summer period between June and September, I guess — or August, but only for one week at a time.

[105] MS. MORRIS: Okay.

[106] THE COURT: It probably works out to close to every second week actually. Not quite.

[107] MS. WHITTLE: Yeah, and I can say, I mean, my client also has some summer plans which will extend past a one-week period. So that isn't really feasible either.

[108] THE COURT: Yeah. Anything else?

[109] MS. WHITTLE: Well, I'll have to make — I guess I'll have to make an application, but, I mean, I will be seeking that child support be paid now that we're aware that she's making a significant income. When this order — when the consent order was done, there was no child support because she had told us essentially that she was —

[110] THE COURT: Impecunious.

[111] MS. WHITTLE: — unable to pay. And it's clear now that she's got an income and ought to be paying child support. But I can —

[112] MS. MORRIS: I'm going to point out the obvious, which is that her income is a hundred percent tied to the motel. So it's now more up in the air than ever, actually.

[113] THE COURT: Right. Okay. Well, I do not have enough evidence to decide that now, so I will let counsel talk to each other, and if you cannot sort it out, then an application will have to be brought.

[114] MS. MORRIS: Could I just clarify? So the first weekend will be this coming weekend?

[115] THE COURT: Yes.

[116] MS. MORRIS: Okay, thanks.

[117] THE COURT: Okay. All right.

[118] Thank you very much.

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DUNCAN C.J.