

CASE NO. VOL. NO.  
Cite as: **Veinot v. Veinot Estate, 1998 NSCA 164**

PAGE

**GERALD W. VEINOT**

**REGINALD A. VEINOT, M. CARMON  
VEINOT, and NINA L. VEINOT,**  
Administratrix of the Estate of Maurice  
Clinton Veinot

(Appellant)

- and -

(Respondents)

C.A. No. **145943**

Halifax, N.S.

**PUGSLEY, J.A.**

**APPEAL HEARD:**

September 28, 1998

**JUDGMENT DELIVERED:**

October 29, 1998

**SUBJECT:**

Appellate Review of findings of fact and findings based upon inferences from established facts by a trial judge. Appellate review of discretion of trial judge limiting the award of costs to one party in a matter akin to estate litigation.

Appellant gave notice on August 6, 1998, for the admission of fresh evidence in support of motion for a new trial on the ground the trial judge prejudged the case as evidenced by his comments to counsel during a Chambers conference held on February 9, 1998, before trial evidence was completed.

**RESULT:**

Appeal dismissed. Trial judge's conclusions of fact supported by evidence.

Trial judge committed no reversible error respecting cost issues.

Application for introduction of fresh evidence dismissed as the recusal motion was not made with reasonable promptness. Further, the delay in bringing the motion, in light of other matters, leads to the conclusion that the appellant is not able to satisfy the burden that the proposed evidence is reasonably capable of belief.

**This information sheet does not form part of the court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of 15 pages.**