

NOVA SCOTIA COURT OF APPEAL

Citation: Layes v. W.R. Graham Services Ltd., 2007 NSCA 112

Date: 20071119

Docket: CA 282662

Registry: Halifax

Between:

Kevin Layes, John Layes and Rose Layes

Appellants

v.

W. R. Graham Services Ltd.

Respondent

Judges: MacDonald, C.J.N.S., Roscoe and Oland, JJ.A.

Appeal Heard: November 19, 2007, in Halifax, Nova Scotia

Written Judgment: November 19, 2007

Held: Leave to appeal is denied and the appeal is dismissed with costs payable forthwith as per oral reasons for judgment of Roscoe, J.A.; MacDonald, C.J.N.S. and Oland, J.A. concurring.

Counsel: Kevin J. Layes, on his own behalf and for the other appellants
Ray E. O'Brien, for the respondent

Reasons for judgment: (Orally)

[1] The appellants seek leave and, if granted, appeal from an order issued following an interlocutory decision of Justice Gordon Tidman, whereby several paragraphs of an amended defence filed by the appellants were struck out and leave was granted to file a further amended defence. The order also provided for further discoveries and costs payable to the respondent plaintiff.

[2] The appellants submit on appeal that the order does not reflect the decision of the chambers judge.

[3] We have carefully reviewed the record and considered the argument of the appellants. We are of the unanimous opinion that the order correctly sets out each of the rulings made by Justice Tidman in the course of his oral decision and discussion with the parties.

[4] Leave to appeal is denied and the appeal is dismissed with costs payable to the respondent forthwith in the amount of \$1,000 plus disbursements.

Roscoe, J.A.

Concurred in:

MacDonald, C.J.N.S.

Oland, J.A.