

Date: 19980109

Docket: CA 141493

NOVA SCOTIA COURT OF APPEAL  
Cite as: Simanic v. Ross, Barrett & Scott, 1998 NSCA 45

**Chipman, Hart and Flinn, JJ.A.**

**BETWEEN:**

MICHAEL SIMANIC

Appellant

Peter M. Rogers  
for the Appellant

**- and -**

ROSS, BARRETT & SCOTT, a  
partnership registered pursuant  
to the Partnerships and Business  
Names Registration Act, R.S.N.S.  
1989, c. 335 and E. ANTHONY ROSS

Respondents

George W. MacDonald, Q.C.  
and Michele E. Bernard  
for the Respondents

Appeal Heard:  
January 9, 1998

Judgment Delivered:  
January 9, 1998

**THE COURT:**

The appeal is dismissed with costs in the amount of \$2,500.00, plus disbursements as per oral reasons for judgment of Chipman, J.A.; Hart and Flinn, JJ.A., concurring.

The reasons for judgment of the Court were delivered orally by:

**CHIPMAN, J.A.:**

This is an appeal from a judgment of Justice Gerald Moir in Supreme Court ordering the appellant to pay the respondent monies for legal services rendered.

Justice Moir resolved adversely to the appellant two issues of fact which were central to the trial:

- (1) whether the services were to be paid for on a contingency basis; and,
- (2) whether the party retaining the respondent was the appellant or a limited company owned by him.

These same two issues are the subject of this appeal and we are called upon to determine whether the trial judge, in resolving them, erred in law or made any palpable or overriding error which affected his assessment of the facts. Having reviewed the record and having heard the oral submissions on behalf of the parties, we are satisfied that no such error has been shown.

The appeal is dismissed with costs which we fix at \$2,500.00, plus disbursements to be taxed.

Chipman, J.A.

Concurred in:

Hart, J.A.

Flinn, J.A.