

NOVA SCOTIA COURT OF APPEAL
Citation: *Ezurike v. Ezurike*, 2009 NSCA 58

Date: 20090603
Docket: CA 301775
Registry: Halifax

Between:

Levi Chuks Ezurike

Appellant

v.

Christie Chika Ezurike

Respondent

Judge: The Honourable Justice Nancy Bateman

Appeal Heard: June 1, 2009

Subject: Appeal from dismissal of variation application.

Summary: Mr. Ezurike applied to vary custody and support provisions contained in a Corollary Relief Judgment dated March 7, 2006. Certain issues were resolved by consent after a pre-trial conference resulting in an order issued June 13, 2008. A subsequent hearing was to be held to determine which party, if any, would pay child support for the child or children in the other parent's care and the question of whether either of the two oldest children remained "dependents". Between the time of the consent order and the hearing Mr. Ezurike applied to the Court for costs and a variation of the June 13th consent order. All issues were resolved in a judgment of August 26, 2008. Mr. Ezurike appeals both orders.

Issues: Mr. Ezurike lists numerous grounds of appeal.

Result: Very fact specific. Appeal dismissed with \$2000 costs. Mr. Ezurike did not demonstrate that the judge made clear or material error. He is seeking a retrial. That is not this Court's function. In many respects,

Mr. Ezurike's view of the "facts" simply do not accord with the record. There is absolutely no merit to the allegation that the judge exhibited gender or any other bias in these proceedings.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 3 pages.