

CASE NO. **VOLUME** **PAGE**
Cite as: Lienaux v. Campbell, 1997 NSCA 80

CHARLES D. LIENAUX and WESLEY G. CAMPBELL and
KAREN L. TURNER-LIENAUX THE TORONTO-DOMINION BANK
- and -
(Appellants) (Respondents)
C.A. No. 135146 Halifax, N.S. HALLETT, J.A.

APPEAL HEARD: April 17, 1997

JUDGMENT DELIVERED: May 12, 1997

SUBJECT: **Abuse of Process**

SUMMARY: The appellants brought a motion asserting that Campbell and the Bank abused the process of the Court in the manner that they negotiated with the appellants with respect to attempted settlement of actions involving the parties.

The Chambers judge dismissed the appellants' motion.

The Appeal Court dismissed the appeal. The attempts to negotiate settlement of the legal proceedings between the parties was not an abuse of the process of the Court.

The Court refused the respondents' request for solicitor and client costs on the appeal. The fact that the appeal was without merit is not a sound basis for an award of solicitor and client costs (**Young v. Young**, [1993] 4 S.C.R. 3, 108 D.L.R. (4th) 193 (S.C.C.)).

Costs on the appeal of \$2,000 plus disbursements ordered to be paid to Campbell and \$1,000 plus disbursements to the Bank. Both cost awards were payable forthwith.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT FROM THE COVER SHEET. THE FULL COURT DECISION CONSISTS OF 22 PAGES.