

CASE NO.

VOL. NO.

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BENJAMIN RALPH HOFFMAN - and - CAROLYN JANE LAMB

(Appellant)

(Respondent)

CA 162592

CA 167969

Halifax, N.S.

Flinn, J.A.(orally)

[Cite as: Hoffman v. Lamb, 2001 NSCA 150]

APPEAL HEARD:

October 18, 2001

JUDGMENT DELIVERED:

October 18, 2001

SUBJECT: **Civil Procedure Rule 55 Contempt order issued on *ex parte* application - Leave to make the application not obtained in advance.**

SUMMARY: The Chambers judge issued a contempt order and warrant for the arrest of the appellant. The order was granted on the strength of the respondent's *ex parte* application. Leave to bring the application had not been obtained.

RESULT: Appeal allowed.

Since the contempt order provided for the imprisonment of the appellant strict compliance with the **Civil Procedure Rules** is required. The respondent failed to obtain the leave of the court to make the application for the contempt order which is the subject of this appeal. That order must be set aside.

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.