

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Lewis v. Tsavos*, 2014 NSCA 8

**Date:** 20140123

**Docket:** CA 413257

**Registry:** Halifax

**Between:**

Graham Lewis and Josephine Lewis

Appellants

v.

Louis Tsavos

Respondent

**Judges:** MacDonald, C.J.N.S.; Saunders and Hamilton, JJ.A.

**Appeal Heard:** January 23, 2014, in Halifax, Nova Scotia

**Written Release** January 27, 2014

**Held:** Appeal dismissed with costs payable by the appellants to the respondent in the amount of \$1,750, including disbursements, per reasons for judgment of MacDonald, C.J.N.S.; Saunders and Hamilton, JJ.A. concurring.

**Counsel:** Appellants, in person, with Janice M. Clarke assisting  
Jonathan Hooper, for the respondent

**By the Court: (Orally)**

[1] Having read the materials on file and having heard the oral submissions of the appellants, aided by Ms. Janice Clarke, we are of the unanimous view that the appeal be dismissed.

[2] In addressing all issues raised by the appellants, we conclude:

- (a) the motions judge did not err in enforcing (pursuant to *Civil Procedure Rule 10.04*) the earlier attained settlement between the parties;
- (b) the motions judge did not err in exercising her discretion in denying the appellants' request for an adjournment; and
- (c) there is no substance to the allegation that the motions judge was biased.

[3] In reaching this decision, we reject the appellants' proposed fresh evidence as it has no relevance to the issues on appeal.

[4] We further direct costs of \$1,750 (inclusive of disbursements) payable to the respondent by the appellants.

MacDonald, C.J.N.S.

Concurred in:

Saunders, J.A.

Hamilton, J.A.