

NOVA SCOTIA COURT OF APPEAL

Citation: Doucette v. Smith, 2003 NSCA 130

Date: 20031203

Docket: CA 200125

Registry: Halifax

Between:

Ryan Doucette

Appellant

v.

Candace Smith

Respondent

Judge: Cromwell, J.A.

Appeal Heard: November 14, 2003

Subject: **Setting Aside Prothonotary's Order Dismissing Action -
Review of Discretionary Order of a Chambers Judge**

Summary: The Prothonotary issued an order dismissing the action. The plaintiff (respondent on appeal) applied almost immediately to set aside the order, filing affidavit evidence explaining the delay. The Chambers judge set aside the Prothonotary's order and the appellant (defendant in the action) sought leave to appeal.

Result: Application for leave to appeal dismissed with costs. The Court will not interfere with the exercise of the Chambers judge's discretion unless it is shown that she erred in principle or that her order gave rise to a patent injustice. The appellant had not demonstrated either sort of error and the application for leave to appeal was dismissed.

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 4 pages.