

**NOVA SCOTIA COURT OF APPEAL**  
**Citation:** Hoffman v. Lamb, 2003 NSCA 144

**Date:** 20031217  
**Docket:** CA 203383  
**Registry:** Halifax

**Between:**

Benjamin Ralph Hoffman

Appellant

v.

Carolyn Jane Lamb

Respondent

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**JUDGE:** Bateman, J.A.

**APPLICATION HEARD:** December 11, 2003

**JUDGMENT DELIVERED:** December 17, 2003

**SUBJECT:** **Application to dismiss application for re-hearing of appeal for want of perfection**

**SUMMARY:** Dr. Hoffman's appeal from a corollary relief judgment was dismissed for want of perfection on a Registrar's motion in 2001. In 2003 Dr. Hoffman purported to file a new notice of appeal and applied to the Chambers judge to have a hearing before a panel as to whether his appeal should be "re-heard", the original application not having been dismissed on the merits. Application to determine whether a re-hearing should be granted was set to be heard by a panel of the Court. Dr. Hoffman failed to perfect that application as was directed by the Court. Both the Court, on its own motion, and the respondent, applied to dismiss the application.

**ISSUE:** Should the application for a re-hearing be dismissed for want of perfection?

**RESULT:** Application dismissed with costs. Dr. Hoffman has abused the process of the Court and failed to demonstrate cause why the application should not be dismissed for want of perfection. He failed to provide an explanation as to why the material directed has not been filed. The panel was left only to conclude that his intended application was without foundation.

**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 9 pages.**