

NOVA SCOTIA COURT OF APPEAL

Citation: *Bressmer v. M & F Handel Development Ltd.*, 2007 NSCA 76

Date: 20070620

Docket: CA 281382

Registry: Halifax

Between:

Rainer and Margit Bressmer &
Armin and Isabel Portele

Appellants

v.

M&F Handel Development Limited, a body corporate,
and Friedrich Handel, Isolde Handel and Matthias Handel

Respondents

Judge: The Honourable Justice Thomas Cromwell

Appeal Heard: June 20, 2007

Written Release: June 21, 2007

Subject: Notice of trial – leave to institute interlocutory proceedings

Summary: The appellants, after delivering a notice of trial, applied for, but were denied, leave to institute and continue an application for a **Mareva** injunction. They sought leave to appeal.

Issues: Did the chambers judge err in principle in denying leave?

Result: Leave to appeal granted and appeal allowed. In deciding whether or not exceptional circumstances exist which justify granting leave, the judge must consider all relevant circumstances viewed in the context of the underlying purpose of **Rule** 28.05(2). The judge in this case failed to do so and erred in principle as a result.

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.