

## **NOVA SCOTIA COURT OF APPEAL**

### **How to complete the forms for a motion in Court of Appeal Chambers.**

These forms are used to make a motion in Court of Appeal Chambers. Chambers is a sitting of a single judge of the Court dealing with brief but important matters. It is held in open court with the recording equipment turned on.

These are precedent forms only. If you are making a motion for date and directions, a motion for stay, or a motion to introduce fresh evidence, we have specific information sheets and forms prepared for those motions that you may find helpful.

This guide provides general information only. It may not tell you all you need to know. It does not explain the law. You should speak to a lawyer for legal advice about your situation.

### **Attached to this guide are the following documents:**

- Notice of Motion
- Supporting Affidavit

### **Steps**

Follow these steps to file your motion in Court of Appeal Chambers:

1. Read the attached forms and this information sheet.
2. Complete the Notice of Motion. The Notice of Motion is a fill in the blank form. Make sure to write in:
  - the names of the parties
  - the court file number
  - the date you will be attending court of appeal chambers
    - Court of Appeal chambers is generally held on Thursdays at 10:00 a.m.
    - Court of Appeal telephone chambers are held on Wednesdays at pre-appointed times. Telephone chambers are generally reserved for uncontested matters only. You will need permission from the judge to be heard in telephone chambers for a contested matter. To obtain a date and time for telechambers, you must contact the Deputy Registrar at 902-424-6937.
    - Note that, as explained below at point number 6, you must choose a date for your hearing that is at least four clear days from the date you file the documents
  - what you are asking the court to order (the purpose of your motion)
3. Complete the Affidavit. Make sure to include the following:
  - in the names of the parties
  - the court file number

- set out the evidence you would like the judge to consider in support of your motion
  - attach as exhibits to your Affidavit any documents to which you refer in the Affidavit.
4. Your Affidavit must be sworn before a Commissioner of Oaths or a lawyer. This may be done at the Court house.
  5. Make copies of your Notice of Motion and Affidavit. The Court will keep one copy of each. You will need one copy for yourself and each other party.
  6. File your documents with the Court.
    - Your documents must be filed with the Court four clear days in advance of the date you selected for your motion.
    - “Clear days” means you do not count the day the motion is filed, nor the day it will be heard. You count days between these two dates, excluding weekends, holidays, or other days the Prothonotary’s office is closed.
    - For example: if there are no holidays in the week you are filing, you will have to file your documents on the Thursday before the Thursday your motion will heard.
    - You may file in person or by mail. If you want to file by fax, please contact the Registrar. *If you are filing your documents by mail*, make sure to take into account the time it will take for the documents to arrive at the Court, to be processed, and to be returned to you for service on the parties.
  7. Serve your documents on the other parties. The deadline for serving your documents on the other parties is the same as the deadline for filing your documents with the Court: four clear days in advance of the date you selected for your motion [see number 6 above for help calculating clear days].
  8. For more information:  
Registrar, Nova Scotia Court of Appeal  
1815 Upper Water Street  
Halifax, NS  
Telephone: 424-8962  
Fax: 424-0524