

CASE NO.**VOL. NO.****PAGE**

BERNARD FRANCIS MacDONALD

JOHN A. MacPHERSON and
JOHN G. MacPHERSON

- and -

(Appellant)

(Respondents)

C.A. 157445

Halifax, N.S.

**BATEMAN, J.A.
(ORALLY)**

[Cite as: MacDonald v. MacPherson, 1999 NSCA 154]

APPEAL HEARD:

December 7, 1999

JUDGMENT DELIVERED:

December 7, 1999

WRITTEN RELEASE OF ORAL:

December 8, 1999

SUBJECT:**Interim payment - Civil Procedure Rule 33.01(A)(1).****SUMMARY:**

Chambers judge refused appellant's application for an interim payment.

ISSUES:

Did the Chambers judge err at law?

RESULT:

Appeal dismissed. In the circumstances before him the Chambers judge found significant issues involving credibility and fact finding which could only be resolved at trial. He concluded that in the circumstances before him the fixing of an interim payment would be no more than a "haphazard guess". No error of law or patent injustice resulting.

**This information sheet does not form part of the court's decision.
Quotes must be from the decision, not this cover sheet. The full
court decision consists of 3 pages.**

