

**CASE NO.**

**VOL. NO.**

**PAGE**

PARANET SERVICES INC., a  
body corporate, carrying on business  
under the name ATLANTIC BUILDING  
SYSTEMS

ROBERT BRETT BAREFOOT

- and -

(Appellant)

(Respondent)

CA 161677

Halifax, N.S.

BATEMAN, J.A.

**[Cite as: Atlantic Building Systems v. Barefoot, 2000 NSCA 75]**

**APPEAL HEARD:**

May 29, 2000

**JUDGMENT DELIVERED:**

June 7, 2000

**SUBJECT: Affidavits; Civil Procedure Rule 48 (recovery order)**

**SUMMARY:** Respondent Barefoot obtained an *ex parte* recovery order for a container of building supplies provided by appellant ABS. ABS had contracted to build a house for Barefoot in Sapporo, Japan. A dispute arose about payment of an account and ABS re-routed the container which was on route to Sapporo. ABS applied for relief pursuant to *Rules* 48.06 and 48.08. Application was dismissed by chambers judge. ABS appealed.

**ISSUES:** Did the chambers judge err in dismissing the application?

**RESULT:** The affidavit material filed by ABS in support of its application was so defective as to not be admissible. Accordingly the judge had no evidence before him to support the relief sought by the appellant. Appeal dismissed.

**This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 10 pages.**