

## NOVA SCOTIA COURT OF APPEAL

### MOTION TO SET AN APPEAL DATE AND OBTAIN DIRECTIONS

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1. Read the attached Notice of Motion carefully and retype the Notice of Motion with your own information.
2. Civil Procedure Rules 90.25 and 90.26 applies to a motion for date and directions. Review the rule on the courts website at: [www.courts.ns.ca](http://www.courts.ns.ca) Please note it is possible for the Respondent to bring a motion for directions pursuant to Civil Procedure Rule 90.27.
3. You must file the original Notice of Motion and Certificate of Readiness on Form 90.26 with the Registrar of the Court. There is no court filing fee.
4. Your Certificate of Readiness must be filed with the court no less than four (4) days before the day the motion is to be heard. The Notice of Motion , needs to be filed no later than four (4) days before the date of the hearing of the motion.
5. If you are unable to file the Certificate of Readiness on Form 90.26 you MUST file an affidavit in support of the motion for directions, explaining why you are unable to do so.
6. This motion can be heard either in regular in person Chambers on a Thursday at 10:00 a.m. **OR** can be heard at a pre-booked time in telephone Chambers on a Wednesday. To pre-book a telephone Chambers you must contact the Deputy Registrar at 424-6937.
7. As the Appellant you must notify the Respondent of the date and time of the hearing by providing a copy of all the material you have filed with the court to the Respondent within the four (4) day time period noted above.
8. As the Appellant you may be required to file an Affidavit of Service to establish that these documents were provided to the respondent within the require time frames.
9. Please remember all time is calculated in accordance with Civil Procedure Rule 94 - this means you do not count the date you file your Notice of Motion and you do not count the day the motion is heard. You count the days in between and you omit any Saturday or Sunday or day when the Prothonotary's office is closed.
10. For more information:  
Registrar, Nova Scotia Court of Appeal  
1815 Upper Water Street  
Halifax, NS  
Phone: 424-6187  
Fax: 424-0524