

[use when no action started]

20

No.

Supreme Court of Nova Scotia

Between: [complete heading as required by Rule 82 - Administration of Civil Proceedings]

[name] as litigation guardian for [name] Applicant

and

[name] Respondent

Notice of Application in Chambers

To: [name of respondent or respondent's counsel]

The applicant requests an order approving settlement for a person under nineteen

The applicant is applying to a judge in chambers for an order declaring that the parties made a conditional settlement agreement, approving the settlement agreement, providing the terms under which proceeds are to be paid to, or for the benefit of, [name of child] , and approving the account of the applicant's counsel.

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for order

The applicant is applying for the order on the following grounds:

- 1 [name of child] is [] years old. [He/She] [*was injured in a motor vehicle accident on* date/other basis for claim] .
- 2 The respondent [name] was [*the driver of the motor vehicle that caused the injury/ other*] . The respondent [name] was [*the owner of the motor vehicle/other*] .
- 3 An agreement has been made for settling the claim of [name of child] against the respondent[s] .

- 4 The agreement is subject to approval by the court.
- 5 Counsel for [name of child] , under instruction of [name of litigation guardian] [*and* if child is able to instruct, name of child] , provided services on the claim and its settlement.
- 6 The applicant relies on the Rules in Rule 36 - Representative Party about settlements by representative parties, trusts for represented parties, and approval of counsel's accounts.

Evidence supporting application

The applicant offers the following affidavits in support of the application: affidavit of the litigation guardian, the affidavit of counsel, [and the affidavits of justification of _____ and _____].

A copy of each affidavit is to be delivered to you with this notice, and further affidavits may be delivered before the deadlines provided in Civil Procedure Rule 5 - Application.

You may participate

You may file with the court a notice of contest, and any affidavits upon which you rely, no more than five days before the date of the hearing. Filing the notice of contest entitles you to notice of further steps in the application, including notice of further affidavits.

Time, date, and place

The application is to be heard by the judge in chambers at _____ [a.m./p.m.] on _____, 20 _____ in the [Courthouse/Law Courts] _____ Street, _____, Nova Scotia. You have the right to be present and to be represented by counsel or to act on your own. If you are not present, the judge may proceed without you.

Possible order against you

The judge may grant a final order on the application without further notice to you if you fail to deliver your notice of contest on time, or if you or your counsel fail to appear in chambers at the above time, date, and place.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary
Street, , Nova Scotia (telephone #).

When you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The applicant designates the following address:

[counsel's address]

Signature

Signed , 20

Name of counsel

Prothonotary's certificate

I certify that this notice of application was filed with the court on , 20 .

Prothonotary