

*Indexed as:*  
**Anzovino v. Shemalie**

**Between**  
**Shelley Anzovino, Michael Anzovino and Kaitlin Anzovino, a**  
**Minor by her Litigation guardian, Michael Anzovino,**  
**plaintiffs, defendants by crossclaim (respondents), and**  
**George Shemalie, defendant, plaintiff by crossclaim**  
**(appellant)**

[1998] O.J. No. 1519

Court of Appeal No. C25142

Ontario Court of Appeal  
Toronto, Ontario

**Osborne, Labrosse JJ.A., and Blair J. (ad hoc)**

April 14, 1998.

(2 pp.)

*Practice -- Appeals -- Dismissal of appeals.*

Appeal by the plaintiffs Anzovino from trial judgment.

HELD: Appeal dismissed. The trial judge did not misapprehend the evidence and his findings of fact were supported by the evidence.

**Appeal from:**

On appeal from Marshall J.

**Counsel:**

Gordon Wiggins, for the appellant.

Arthur Camporese and Stanley M. Tick, for the respondent.

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The judgment of the Court was delivered by

1 **OSBORNE J.A.** (endorsement):-- We are not persuaded that the trial judge misapprehended the evidence. He made findings of fact that were supported by evidence that he chose to accept. In light of those finding we see no basis upon which to interfere. The appeal is dismissed with costs.

OSBORNE J.A.

qp/alp