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COURT OF APPEAL FOR ONTARIO

**RE: PETER HARTMANN (Appellant) –and– JAROSLAVA
FRANTEL a.k.a. JORSLAVA HARTMANN (Respondent)**

BEFORE: CATZMAN, LASKIN and BORINS JJ.A.

**COUNSEL: Peter Hartmann
the appellant in person**

**Moishe Reiter, Q.C. and Julie Amourgis
for the respondent**

**HEARD AND
ENDORSED: January 12, 2004**

**On appeal from the order of Justice Wailan Low of the Superior Court of Justice
dated September 10, 2002.**

APPEAL BOOK ENDORSEMENT

[1] The appeal before this court is limited to the orders made by Low J. in September 2002.

[2] With respect to her order striking out the appellant's pleading, Low J. was acting on the order of Himel J. dated August 8, 2002 which, in turn, followed upon the order of Wright J. dated March 19, 2002, which the appellant has not properly appealed and with which the appellant has not complied.

[3] With respect to the order granting the divorce judgment and related relief, there was evidence before Low J. that supported her order and we cannot find that she made any palpable and overriding error in reaching the conclusions that she did.

[4] In the disposition of this appeal, we do not find it necessary to have regard to the further evidence sought to be adduced by the respondent nor the responding evidence sought to be adduced by the appellant.

[5] Accordingly, the appeal is dismissed with costs, fixed in the sum of \$3,000.00.