

NOVA SCOTIA COURT OF APPEAL

Citation: *Monett v. TRC Hydraulics Inc.*, 2005 NSCA 95

Date: 20050617

Docket: CA 239049

Registry: Halifax

Between:

M. Garry Monett

Appellant

v.

TRC Hydraulics Incorporated and
The Standard Life Assurance Company

Respondents

JUDGE:

MacDonald, C.J.N.S.

APPEAL HEARD:

May 17, 2005

SUBJECT: **PRACTICE, amendments to pleadings, interlocutory appeals of discretionary orders.**

SUMMARY: The appellant employee sued the respondent employer for alleged wrongful dismissal. The pre-trial process advanced uneventfully to the point where the employer filed its notice of trial. The appellant then sought to advance a claim for lost long term disability (LTD) benefits. He wanted to pursue this claim directly against the employer's LTD carrier and alternatively against the employer should it be determined that the dismissal rendered him ineligible. The appellant sought to amend his statement of claim so as to add this new head of damage. This included a request to add the respondent LTD carrier as a defendant.

The Chambers judge refused to allow any amendments that would result in the respondent LTD carrier being added as a party. The appellant appealed this ruling.

ISSUE: Did the judge commit reviewable error in issuing this discretionary order?

RESULT: Appeal dismissed. By denying the proposed amendments, the judge committed no error in legal principle, no palpable or overriding error of fact and his ruling did not give rise to a patent injustice.

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