

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Cherubini Metal Works Ltd. v. Nova Scotia (Attorney General)*,  
2007 NSCA 37

**Date:** 20070405

**Docket:** CA 270800

**Registry:** Halifax

**Between:**

Cherubini Metal Works Limited,  
a body corporate

Appellant

v.

The Attorney General of Nova Scotia representing  
Her Majesty the Queen in Right of the Province of Nova Scotia

Respondent

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**Judge:** The Honourable Justice Thomas Cromwell

**Appeal Heard:** January 19, 2007

**Subject:** Discovery – Members of administrative tribunals – deliberative  
secrecy

**Summary:** In connection with its tort action against the Province and two  
trade unions, the appellant sought to discover two members of  
an administrative tribunal. A chambers judge struck out the  
notices of examination on the ground that the appellant had not  
made out a case for discovery. The appellant appealed.

**Issues:** 1. (a) Does deliberative secrecy apply to discovery

- sought in a tort action?
- (b) If so, is the information which the appellant sought covered by deliberative secrecy?
  - (c) If so, what does the appellant have to show in order to justify lifting the secrecy?
2. If the information is covered by deliberative secrecy, did the appellant establish a valid reason to lift it?

**Result:** Appeal dismissed. Deliberative secrecy applies to discovery of administrative tribunal members sought in a tort action. Deliberative secrecy applies to the information sought by the appellant and the judge did not err in finding that the appellant had not made out a case to justify lifting the secrecy.

**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 14 pages.**