

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Walsh v. Atlantic Lottery Corporation*, 2015 NSCA 16

**Date:** 20150213

**Docket:** CA 423106

**Registry:** Halifax

**Between:**

Bernard Patrick Joseph Walsh

Appellant

v.

The Atlantic Lottery Corporation Inc.,  
The Nova Scotia Gaming Corporation, The  
Nova Scotia Alcohol and Gaming Authority and  
the Attorney General of Nova Scotia

Respondents

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**Judge:** The Honourable Chief Justice Michael MacDonald

**Appeal Heard:** November 18, 2014, in Halifax, Nova Scotia

**Subject:** Negligence; Breach of Fiduciary Duty; Products Liability;  
Practice; Summary judgment on the Pleadings

**Summary:**

The appellant's attempt to hold the Provincial Government responsible for his gambling addiction was dismissed summarily by the Supreme Court of Nova Scotia, 2013 NSSC 409. He now appeals to this Court. Self-represented on appeal, Mr. Walsh insists that the Government should bear at least some of the responsibility for his losses because it knew (or ought to have known) that these machines were inherently dangerous and that they would produce victims like him. In his pleading, he alleged (a) negligence in that the Government owed and breached a duty to protect him from the scourge of these machines; (b) that the Government owed and breached its fiduciary duty to him, and (c) that the Government was strictly liable because it created an inherently dangerous

product.

**Issue:** Did the motions judge err in concluding that all three aspects of the Appellant's claim had no chance of success?

**Result:** Appeal dismissed. The judge offered a sound legal analysis with no basis for us to intervene.

*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 12 pages.*