

NOVA SCOTIA COURT OF APPEAL
Citation: *BCE Inc. v. Gillis*, 2015 NSCA 32

Date: 20150409
Docket: CA 430654
Registry: Halifax

Between:

BCE Inc., Bell Canada, Bell Mobility Cellular Inc.,
Bell Mobility Inc., Microcell Telecommunications Inc.,
Rogers Communications Inc., Rogers Communications
Partnership, Fido Solutions Inc., Rogers Cantel Inc.,
Rogers Wireless Inc., and Rogers AT&T Wireless

Appellants

v.

John Gillis, Jane Doe XVIII, John Doe Ltd. XVIII,
John Doe XIX, and John Doe XXI

Respondents

Judge: The Honourable Justice J.E. (Ted) Scanlan

Appeal Heard: February 19, 2015, in Halifax, Nova Scotia

Summary: In 2004 the respondents filed statements of claim related to fees for cellular telephones in a total of nine jurisdictions across Canada. The appellants applied to have the actions, as filed in Nova Scotia, stayed, arguing that they amounted to an abuse of process. A class-action certification had been granted in Saskatchewan which would allow residents of Nova Scotia to participate in that class action by opting-in to that action. Residents of Saskatchewan were a part of that action unless they opted-out. The motions judge refused to stay the Nova Scotia actions. If the class action proceeded in Nova Scotia residents and non-residents would be entitled to participate on an opt-out basis.

Issues: Did the motions judge err in refusing to grant the request for

a stay of proceedings?

Result:

Appeal allowed. A permanent, unconditional stay is granted. To allow the actions to continue in the circumstances of this case would result in an abuse of process.
Cost awarded to the appellants.

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 29 pages.