

NOVA SCOTIA COURT OF APPEAL

Citation: *Tupper v. Nova Scotia (Attorney General)*, 2008 NSCA 44

Date: 20080513

Docket: CA 286230

Registry: Halifax

Between:

Thomas Percy Tupper

Appellant

v.

The Attorney General of Nova Scotia, Representing Her Majesty the Queen in Right of the Province of Nova Scotia; The Minister of Service Nova Scotia and Municipal Relations - The Honourable Barry Barnett; Judgment Recovery (N.S.) Ltd.; and Judgment Recovery's Lawyer - John Kulik

Respondents

Judge: The Honourable Justice M. Jill Hamilton

Appeal Heard: April 8, 2008

Subject: **Civil Procedure Rule** 14.25, Striking pleadings

Summary: The Chambers judge struck all of the appellant's claims, except his claim under s.15 of the **Charter** against the Attorney General of Nova Scotia, on the basis they were obviously unsustainable.

Issue: Did the judge err?

Result: Appeal dismissed. The judge did not err. He carefully considered the appellant's statement of claim, other information provided by the appellant and his arguments. He applied the correct test for striking pleadings and was correct in the other principles of law he applied in reaching his conclusion.

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 11 pages.