

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
DOUGLAS ARTHUR REEVES  CHRISTOPHER	- and -	HORN ABBOT LTD., CHARLES SCOTT ABBOTT,  HANEY, JOHN HANEY and EDWARD MARTIN WERNER
Appellant		Respondents
C.A. No. 161820	Halifax	ROSCOE, J.A.

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[Cite as: Horn Abbot Ltd. v. Reeves, 2000 NSCA 88]

**APPEAL HEARD:** June 15, 2000

**JUDGMENT DELIVERED:** July 26, 2000

**SUBJECT:** Practice - Rule 14.25 - Witness Immunity Rule

**SUMMARY:** The respondents sued the appellant claiming that he conspired with others to fabricate a story whereby Wall, the plaintiff in another action, claimed to have invented a game marketed by the respondents, the defendants in the other action. The appellant's participation in the conspiracy was particularized as giving false statements to Walls' solicitors, giving false discovery evidence, and agreeing to testify on Wall's behalf.

A Chambers judge dismissed the appellant's application to strike or stay the statement of claim as being either an abuse of process or a vexatious proceeding. On appeal from that decision, the appellant argued that the action should be struck out because it violated the witness immunity rule.

**ISSUE:** Whether the action should be struck out pursuant to **Rule 14.25**.

**RESULT:** The conspiracy action against the appellant, being based solely upon his discovery evidence and his anticipated trial evidence, should be struck out pursuant to **Rule 14.25** since it is in violation of the witness immunity rule. The allegations that the appellant has given and has agreed to give false statements and evidence to corroborate Wall's fabrication, do not disclose a cause of action. The witness immunity rule cannot be circumvented by claiming a bare conspiracy between witnesses to make false statements.

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