

NOVA SCOTIA COURT OF APPEAL

Citation: *MacMillan v. Children's Aid Society of Cape Breton*, 2006 NSCA 13

Date: 20060207

Docket: CA 244399

Registry: Halifax

Between:

Alexis John MacMillan

Appellant

v.

The Children's Aid Society of Cape Breton and
Frank Sampson, Hildegard O'Neil and Melinda MacLeod

Respondents

Judge: The Honourable Justice M. Jill Hamilton

Appeal Heard: January 27, 2006

Subject: *Dismissal for want of prosecution, Civil Procedure Rule 28.13*

Summary: The appellant failed to provide a list of documents over ten years after he commenced an action against the respondents despite many requests for same. The respondents successfully applied to have the action struck.

Issue: Did the judge err in applying the test applicable on an application to strike for want of prosecution?

Result: Appeal dismissed. The judge referred to the correct test and applied it properly.

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.