

NOVA SCOTIA COURT OF APPEAL

Citation: *Tupper v. Nova Scotia (Attorney General)*, 2015 NSCA 92

Date: 20151009

Docket: CA 430117

Registry: Halifax

Between:

Thomas Percy Tupper

Appellant

v.

The Attorney General of Nova Scotia Representing Her Majesty the Queen in right of Nova Scotia, Judgment Recovery (N.S.) Ltd., Harold F. Jackson, Q.C., Paul L. Walter, Q.C., Rob Stewart, Q.C., John Kulik, Q.C.

Respondents

Judges: MacDonald, C.J.N.S., Saunders, Hamilton, Beveridge, and Van den Eynden, J.J.A.

Appeal Heard: April 9, 2015, in Halifax, Nova Scotia

Subject: Practice; Summary Judgment; Abuse of Process; Vexatious Litigants

Summary: The appellant challenges a Supreme Court Order dismissing his action summarily as being unsustainable on its pleadings and as representing an abuse of process. He also appeals the same order declaring him a vexatious litigant, thereby requiring him to obtain leave before commencing any related actions. This appeal was joined with a separate request from the respondent Attorney General seeking to have the appellant declared a vexatious litigant in this Court, thereby preventing him from commencing any similar appeals

Issues:

- (1) The challenge to the dismissal order.
- (2) The challenge to the Supreme Court vexatious litigant restraining order.

(3) The Merits of the Attorney General's motion.

Result:

Appeal dismissed and the Attorney General's motion granted.

- The Supreme Court was correct to dismiss this action as an abuse of process and otherwise unsustainable on its pleadings.

- The appellant was a vexatious litigant and properly restrained in the Supreme Court.

- For essentially the same reasons, a vexatious litigant restraining order was appropriate for this Court.

- Guidance for future vexatious litigant motions was also provided.

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.