

<u>CASE NO.</u>	<u>VOLUME</u>	<u>PAGE</u>
GILBERT L. GAUDET (Appellant/Applicant)	WAYNE BARRETT and MARLENE BARRETT - and -	(Respondents)
C.A. No. 143446	Halifax, N.S.	Glube, C.J.N.S.

Cite as: Gaudet v. Barrett, 1999 NSCA 1

APPLICATION HEARD: January 21, 1999/Final Brief Filed February 2, 1999

DECISION DELIVERED: February 16, 1999

SUBJECT: **CHAMBERS - Stay Application - Appeal to the Supreme Court of Canada.**

SUMMARY: Appellant unsuccessful at trial and on appeal. Lawyer acting for both sides on a property transaction failed to pass on financing information about the purchaser which would affect the vendor. Lawyer withdrew just a few days before the closing date. Transaction fell through when purchaser could not comply with financing conditions. Appellant seeking to appeal the finding of responsibility of a fiduciary who did not benefit from a breach and whether he should be jointly and severally liable.

RESULT: Relied on **Fulton Insurance Agencies Ltd. v. Purdy** (1990), 100 N.S.R. (2d) 341. On arguable issue, the appellant must meet the additional requirement set out in s. 40(1) of the **Supreme Court Act**. Held, order for stay granted until the Supreme Court of Canada deals with the leave application.

<p>This information sheet does not form part of the Court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of 11 pages.</p>
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