

CASE NO.

VOL. NO.

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Cite as: Global Petroleum Corporation v. CBI Industries Inc., 1998 NSCA 220

GLOBAL PETROLEUM CORP.,
a body corporate, TUPPER CORP.,
a body corporate as General Partner
of Tupper Associates Limited
Partnership, SCOTIA SYNFUELS
LIMITED, a body corporate and
POINT TUPPER VENTURES LIMITED,
a body corporate

- and -

CBI INDUSTRIES INC.,
STATIA TERMINALS
INC., STATIA POINT
TUPPER CORPORATION
and STATIA TERMINALS
POINT TUPPER,
INCORPORATED, all
bodies corporate

Appellants

Respondents

C.A. No. 149383

Halifax

CHIPMAN, J.A.

APPEAL HEARD:

December 1, 1998

JUDGMENT DELIVERED:

December 14, 1998

SUBJECT:

**PRACTICE AND PROCEDURE - Examinations for
discovery - Objections based on solicitor/client privilege
and disclosure of evidence**

SUMMARY:

An appeal to the Court of Appeal challenged the decision of a judge in Chambers who granted an order requiring witnesses to answer questions put to them on discovery. The Chambers judge also declined to require answers to many of the questions. Objections had been put on the basis of solicitor/client privilege and disclosure of evidence as opposed to facts.

ISSUE:

Did the Chambers judge err?

RESULT:

The Court of Appeal, having reviewed the decision of the Chambers judge, found that no error had been made. The Court of Appeal considered the issue of solicitor/client privilege in the context of the duty to divulge facts which were made relevant in proceedings. The Court commented on the importance of counsel being able to resolve these issues in most cases without resort to the Court.

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