

CASE NO.

VOL. NO.

PAGE

CARLO MARTINI

- and -

COMMUNITY SERVICES, NOVA SCOTIA GOVERNMENT, ROYAL CANADIAN MOUNTED POLICE (COLE HARBOUR DETACHMENT), HONOURABLE FRANCENE COSMAN, MARK CAMERON, DAN POTTIE, STAFF SGT. RON NOSS, CPL. WAYNE LATIMERE, GORDON KELLY, KATHY LOVE, AND CLARA BUCKLE

(Appellant)

(Respondents)

CA 154979

Halifax, N.S.

FREEMAN, J.A.

[Cite as: Martini v. Nova Scotia
(Community Services),, 2000 NSCA 47]

APPEAL HEARD:

March 29, 2000

JUDGMENT DELIVERED:

April 7, 2000

SUBJECT:

Civil Law; Procedure; Motion to Strike; Civil Procedure Rule 14.25; Insufficient Pleadings.

SUMMARY:

The appellant's common law wife moved to Quebec with their daughter on October 28, 1997, when no custody order was in effect. The appellant was granted an interim custody order on an **ex parte** application, and the wife obtained an interim custody order after a hearing in Quebec, where she was residing with the child. The appellant brought a wide-ranging lawsuit against various agencies and individuals claiming \$100,000,000 in damages because they had failed to protect his daughter. The action was virtually eliminated as the result of two interlocutory applications in the Supreme Court of Nova Scotia. This is an appeal from the second application striking the action against various defendants because the pleadings were insufficient.

ISSUES:

The principal ground argued on appeal was that the Chambers judge

erred in hearing the appeal while an appeal was pending from the first application, in which the appellant had been denied an extension of time for responding to a demand for particulars.

RESULT:

The appeal was dismissed with costs. The chambers judge did not commit reversible error, either in proceeding with the application or in his conclusions. The appeal did not operate as a stay of the earlier order, and in any event it had been dismissed.

This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 4 pages.