

NOVA SCOTIA COURT OF APPEAL

Citation: Cooper v. Atlantic Provinces Special Education Authority,
2008 NSCA 94

Date: 20081017

Docket: CA 284552

Registry: Halifax

Between:

Jennifer Ann Cooper and Jane Suttis

Appellants

v.

Atlantic Provinces Special Education Authority

Respondent

Judge: The Honourable Justice Roscoe

Appeal Heard: September 17, 2008

Subject: Pleadings; **Civil Procedure Rule** 14.25; claim for breach of fiduciary duty

Summary: The appellants' statement of claim was struck out pursuant to **Civil Procedure Rule** 14.25 because it did not disclose a reasonable cause of action for breach of fiduciary duty.

Issues: Did the chambers judge commit reviewable error ?

Result: Appeal dismissed. The statement of claim did not lay a foundation for breach of fiduciary duty because no material facts were pleaded to support a claim that the defendant acted in its own self interest and against the interests of the plaintiffs .

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.