

NOVA SCOTIA COURT OF APPEAL

Citation: Meredith Estate v. Orlandello, 2005 NSCA 98

Date: 20050622

Docket: CA 236171

Registry: Halifax

Between:

Cheryl White, as a representative of the Estate
of Luke James Meredith, a deceased person, and
Jill Chase

Appellants

v.

Bernice Orlandello and the Attorney General of Nova Scotia

Respondents

Judge: The Honourable Justice Fichaud

Appeal Heard: May 24, 2005

Subject: **summary judgment - abuse of process - releases - indemnity**

Summary: Plaintiff settled a claim and released “all other persons” and agreed to indemnify for costs. The plaintiff then sued the Province for the same matter. The Province third partied the named releasees who counterclaimed against the plaintiff on the indemnity and applied to dismiss or stay the action.

Issue: Does the Release bar the plaintiff’s action? May the action be summarily dismissed or struck or stayed? Must the plaintiff indemnify the named releasees?

Result: The Release bars the claim. The claim is summarily dismissed. The plaintiff is liable to indemnify the named releasees for expenses of the action.

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 16 pages.

