

NOVA SCOTIA COURT OF APPEAL

Citation: *Anderson v. Queen Elizabeth II Health Sciences Centre*,
2010 NSCA 7

Date: 20100209

Docket: CA 315843

Registry: Halifax

Between:

Victoria Renata Anderson, Mildred Anderson, and
Victor Anderson

Appellants

v.

The Queen Elizabeth II Health Sciences Centre,
Dr.S.A. Gee and Dr. S. Sharma

Respondents

Judge: The Honourable Nancy Bateman

Appeal Heard: January 28, 2010

Subject: Striking a jury notice.

Summary: The defendants successfully applied to strike the plaintiffs' jury notice in a medical malpractice case. Every issue in the case, from standard of care, to causation to damages was based entirely upon expert evidence. The issues in the case would require the trier of fact to take considerable time to analyze and digest the voluminous technical articles that informed the highly theoretical expert opinions. The judge determined that in the unique circumstances of this case, a proper understanding and analysis of the issues would require extensive time and reflection beyond that inherent in a jury trial.

Issues: Did the judge err in striking the jury notice?

Result: This was a challenge to the judge's exercise of discretion. Applying the standard of review, the Chambers judge did not

err by failing to exercise his discretion on proper grounds.

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 8 pages.