

**NOVA SCOTIA COURT OF APPEAL**

**Clarke, C.J.N.S., Chipman and Flinn, J.J.A.**

Cite as: United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States, Local 682 v. Bradson Staffing Service, 1997 NSCA 74

**BETWEEN:**

**The United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 682**

Appellants

-and-

**Bradson Staffing Service, Statia Terminals Point Tupper Inc., Communications, Energy and Paper-Workers Union of Canada, Local 585 and Construction Industry Panel of The Labour Relations Board (Nova Scotia)**

Respondents

) Raymond Larkin, Q.C.  
) for the appellants

) John C. MacPherson  
) for the respondent  
) Bradson Staffing Services

) John D. Plowman  
) for the respondent  
) Statia Terminals Point Tupper

) Appeal Heard  
) April 1, 1997

) Judgment Delivered:  
) April 1, 1997

THE COURT: Appeal dismissed with costs of \$1000 plus disbursements payable to each of the Respondents per oral reasons for judgment of Flinn, J.A.; Clarke, C.J.N.S. and Chipman, J.A. concurring.

The reasons for judgment of the Court were delivered orally by:

**Flinn, J.A.:**

This is an application for leave to appeal and an appeal from a decision of Justice MacAdam rendered on November 28, 1996 and the interlocutory order of December 27, 1996 giving effect to the decision.

Justice MacAdam had before him an application of the appellants for the production by the respondent of various documents and an application by the respondent for an order requiring the appellants to return or destroy all copies of privileged documents which had been obtained by the appellants' counsel without the knowledge or consent of the respondent.

Justice MacAdam dismissed the appellants' application and allowed the respondent's.

We have considered the submissions of counsel and the ruling of Justice MacAdam. We are of the opinion privilege was not waived with respect to the documents in question.

We agree with Justice MacAdam's disposition of the two applications.

The leave application is dismissed with costs of, \$1,500 plus disbursements, payable forwith.

Hallett, J.A.

Concurred in:

Chipman, J.A.

Pugsley, J.A.