

CASE NO.

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Southam Inc., as publisher of the Daily News
and Parker Barss Donham

D. Wayne Butler & Lee Keating

- and -

(Appellants)

(Respondents)

CAC 182778

Halifax, N.S.

SAUNDERS, J.A.
(Orally)

[Citation: *Southam Inc. v. Butler*, 2002 NSCA 149]

APPEAL HEARD:

November 26, 2002

JUDGMENT DELIVERED:

November 26, 2002

SUBJECT:

**Defamation. Consent. Application to strike a claim. CPR's
21.03 and 25.**

SUMMARY:

The appellants, a journalist and a newspaper, appealed from the chambers judge's decision where he dismissed their application to strike the respondents' defamation claim as not disclosing a cause of action. The appellants argued that because the two respondents, both youth workers at the Shelburne School for Boys, had consented to appearing on the television program *The Fifth Estate*, they were precluded from recovering damages for defamation.

HELD:

Appeal dismissed. The respondents' consent to appearing on that nationally broadcast television program did not amount to a license or consent to the appellants to publish whatever they chose. Costs of \$1,500.00, payable to the respondents forthwith.

<p>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 3 pages.</p>
