

**NOVA SCOTIA COURT OF APPEAL**  
**Citation: *Walsh v. Unum Provident*, 2010 NSCA 97**

**Date:** 20101202  
**Docket:** CA 329541  
**Registry:** Halifax

**Between:**

Douglas Walsh

Appellant

v.

Unum Provident

Respondent

**Judges:** Saunders, Oland and Fichaud, JJ.A.

**Appeal Heard:** December 2, 2010, in Halifax, Nova Scotia

**Written Judgment:** December 3, 2010

**Held:** Leave to appeal is denied and the appeal is dismissed per oral reasons for judgment of Saunders, J.A.; Oland and Fichaud, JJ.A. concurring.

**Counsel:** Kevin C. MacDonald and Jeffrey Flinn, for the appellant  
Michelle C. Awad, Q.C. and Michael Blades, for the respondent

**Reasons for judgment:** (Orally)

[1] After considering the record and counsels' submissions, we are unanimously of the view that leave to appeal ought to be denied.

[2] The appellant has failed to persuade us that any of his grounds, whether stated or arising from the evidence, establish a reasonably arguable case for success on appeal. **Re: Ives and The Queen** (1966), 58 D.L.R. (2d) 425 (N.S.S.C. *in banco*).

[3] Accordingly, leave to appeal the Order of Chief Justice Joseph P. Kennedy dated May 12, 2010, which permitted the respondent to amend its defence and counterclaim, is denied with the result that the appeal is dismissed.

[4] We award costs on this application to the respondent in the amount of \$750.00 plus disbursements as agreed or taxed.

Saunders, J.A.

Concurred in:

Oland, J.A.

Fichaud, J.A.