

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Goreham v. D.E. & Son Fisheries Ltd.*, 2003 NSCA 93

**Date:** 20030918

**Docket:** CA 194046

**Registry:** Halifax

**Between:**

Dwayne Goreham

Appellant

v.

D.E. & Son Fisheries Ltd. and  
Danny Shand and Ricky Smith

Respondents

---

**JUDGE:** CROMWELL, J.A.

**APPEAL HEARD:** September 16, 2003

**JUDGMENT DELIVERED:** September 18, 2003

**SUBJECT:** Summary Judgment

**SUMMARY:** The plaintiff brought an application for summary judgment for specific performance. On the basis of affidavit and discovery evidence, the Chambers judge granted summary judgment. The defendant, Wayne Goreham, appealed

**ISSUE:** Did the Chambers judge err in law by granting summary judgment in the face of disputes of fact?

**RESULT:** Appeal allowed. There were disputed issues of fact going to the plaintiff's entitlement to summary judgment for specific performance. In such circumstances, summary judgment should not be granted.

**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 3 pages.**