

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Can-Euro Investments Ltd. v. Industrial Alliance Insurance and Financial Services Inc.*, 2013 NSCA 76

**Date:** 20130625

**Docket:** CA 398349

**Registry:** Halifax

**Between:**

Can-Euro Investments Limited

Appellant

v.

Industrial Alliance Insurance and Financial Services Inc.

Respondent

and

Boyne Clarke and David Coles, Q.C.

Interveners

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**Judge:** The Honourable Justice Joel E. Fichaud

**Appeal Heard:** June 14, 2013, in Halifax, Nova Scotia

**Subject:** Res judicata - Issue estoppel - Cause of action estoppel

**Summary:** In 2009 the Supreme Court of Nova Scotia dismissed Can-Euro's claim against Industrial Alliance related to the transaction that underlies the current appeal. In 2010, Can-Euro brought another action related to the same transaction. In the decision under appeal, the

chambers judge struck Can-Euro's 2010 action based on issue estoppel, cause of action estoppel and abuse of process, except for Can-Euro's claim for return of fees. Can-Euro appeals to the Court of Appeal.

**Issue:** Did the chambers judge err in his application of the principles of res judicata, issue estoppel and cause of action estoppel and abuse of process?

**Result:** The Court of Appeal dismissed Can-Euro's appeal. The issues in the 2010 action either were raised or should have been raised in the earlier claim that was dismissed in 2009. The only exception related to Can-Euro's claim for return of fees paid. That matter had been reserved from the 2009 ruling by agreement of counsel, as stipulated by Industrial Alliance's counsel to the chambers judge at the hearing of the matter under appeal.

**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 14 pages.**