

CASE NO.

VOL. NO.

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Cite as: Fish Reduction Ltd. v. Malone, 1997 NSCA 179

**FISH REDUCTION LIMITED and
DOCKSIDE FISHERIES LIMITED**
(Appellants)

- and -

JEFF MALONE

(Respondent)

C.A. No. 136040

Halifax, N.S.

Pugsley, J.A.

APPEAL HEARD:

September 24, 1997

JUDGMENT DELIVERED:

November 21, 1997

SUBJECT: Contracts - Adequacy of Consideration - Credibility of Witnesses - Findings of Trial Judge

ISSUES: Did the trial judge err in concluding the parties entered into a contract whereby a lobster licence held in the name of the respondent was beneficially owned by him and not in trust for the appellants? A subsidiary issue is concerned with the amount of damages, if any, to which the appellants are entitled, as a consequence of the respondent selling the catch to companies other than the appellants.

RESULT: Appeal dismissed. Trial judge did not make any palpable or overriding error which affected his assessment of the facts. The undertaking from the respondent that he would sell his catch to the appellants constituted consideration. The appellants were not entitled to recover damages from the respondent as the appellants acted contrary to the original agreement between the parties.

This information sheet does not form part of the court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of 17 pages.