

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Canada (Attorney General) v. MacQueen*, 2014 NSCA 96

**Date:** 20141022

**Docket:** CA 392560

**Registry:** Halifax

**Between:**

The Attorney General of Canada, representing  
Her Majesty the Queen in right of Canada

Appellant

v.

Neila Catherine MacQueen, Joseph M. Petitpas,  
Ann Marie Ross, Kathleen Iris Crawford, Sydney Steel  
Corporation, a body corporate, and The Attorney General of  
Nova Scotia, representing Her Majesty the Queen in right of the Province of Nova  
Scotia

Respondents

**Docket:** CA 393200

**Registry:** Halifax

**Between:**

Sydney Steel Corporation, a body corporate, and  
The Attorney General of Nova Scotia, representing  
Her Majesty the Queen in right of the Province of Nova Scotia

Appellants

v.

Neila Catherine MacQueen, Joseph M. Petitpas, Ann Marie Ross,  
and Kathleen Iris Crawford, and The Attorney General of

Canada representing Her Majesty the Queen in right of Canada

Respondents

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- Judge:** The Honourable Justice David P.S. Farrar
- Heard :** **By Written Submissions Dated as Follows:**  
Canada January 17, 2014  
Nova Scotia January 17, 2014  
Respondents February 7, 2014
- Subject:** **Class Actions. Costs on Certification Motion. Costs on Appeal of Certification Motion. Costs of an Intended Motion for Reconsideration. Class Actions Act, S.N.S. 2007, c. 28, s. 20.**
- Summary:** This decision arises out of three proceedings: an original certification motion; the appeal of the original certification motion decision; and, an Intended Motion for Reconsideration of the appeal decision.  
By way of background, the representative respondents were successful in having a class action certified: Canada and Nova Scotia appealed that decision. The appeal was allowed and the class action decertified.  
The representative respondents then sought to have this Court re-open and reconsider its original decision taking into consideration recent Supreme Court of Canada decisions. The Intended Motion for Reconsideration was dismissed.
- Issues:** What are the appropriate amounts of costs and disbursements to be awarded to Canada and Nova Scotia in all three proceedings?
- Result:** Canada and Nova Scotia were both awarded costs of the certification motion on a partial indemnity basis. Both the

costs and disbursements, which would otherwise have been awarded, were discounted to take into account access to justice and public interest factors. Canada and Nova Scotia were also entitled to their costs on appeal and on the Intended Motion for Rehearing.

*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 26 pages.*