

IN THE SUPREME COURT OF NOVA SCOTIA
Citation: Shand Fisheries v. Goreham, 2004 NSSC 272

Date: 20041126
Docket: SY225234
Registry: Yarmouth

Between:

**Danny Shand, D. Shand Fisheries Limited,
Ricky Smith and Hannah & Samara Fisheries Limited**

Plaintiffs

v.

Dominic Goreham and Dwayne Goreham

Defendants

v.

D. & E. Sons Fisheries Limited (Intervenor)

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Judge: The Honourable Justice Allan P. Boudreau

Heard: November 26, 2004 in Yarmouth, Nova Scotia

Oral Decisions: November 26, 2004

Subject: Mandatory Interim Injunctions - Fishing License Trust Agreements

Summary: D. Shand Fisheries Limited, I'll refer to as Shand, and Hannah and Samara Fisheries Limited, I'll refer to as Hannah, are the beneficial owners of a district 34 lobster license which was leased to D. E. & Sons Fisheries Limited, which I'll refer to as D. E. & Sons, for a period of three years with Dominic Goreham being the present trustee license holder. Dominic Goreham was fishing for D. E. & Sons last year. The original trust and royalty agreements which were with Dwayne Goreham had a term of three years which expired May 31, 2004. The substitute trust agreement with Dominic Goreham did not extend the lease arrangements with D. E. & Sons and a new royalty agreement was not signed by anyone. Dwayne Goreham has now advanced a claim to an interest in the lobster licence and he has been joined as a defendant in this action and application for a mandatory injunction. The mandatory injunction application was continued on November 26, 2004 to hear

Dwayne Goreham's evidence and to permit him to cross-examine the other parties.

Issue: Criteria for Injunctions

Result: Mandatory Injunction granted - in large part on the evidence of Dwayne Goreham.

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