

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** Potter v. Courtney , 2005NSSC174

**Date:** 050622  
**Docket:** S.H. 235231  
**Registry:** Halifax

Between:

Dan Potter

Plaintiff

v.

Raymond Courtney, Tim Hill, Navigator Technologies Inc.,  
and Burchell MacDougall

Defendants

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Suzanne M. Hood

**Heard:** April 20, 2005 in Halifax, Nova Scotia  
(*Written decision June 22, 2005*)

**Subject:** Striking of pleadings: *C.P.R. 14.25*; summary judgment for defendants: *C.P.R. 13*.

**Summary:** Tim Hill is counsel for Raymond Courtney and Navigator Technologies Inc. in what is referred to as the Knowledge House action. A separate action was commenced by Dan Potter, the Chair and CEO of Knowledge House Inc., against Raymond Courtney, Navigator Technologies Inc., Tim Hill and his firm, Burchell MacDougall, for the tort of civil conspiracy.

Tim Hill and Burchell MacDougall apply to strike the pleadings against them pursuant to *Civil Procedure Rule 14.25* or, alternatively, to grant them summary judgment pursuant to *Civil Procedure Rule 13*.

**Issue:**

1. Should the pleadings be struck? or
2. Should summary judgment be granted to the defendants, Tim Hill and Burchell MacDougall?

**Result:** Claim is not frivolous or vexatious or an abuse of the court's process. It focuses on the act of providing the email documents not their contents. Material facts are in dispute so there is no basis for summary judgment.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***