

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: MacLean v. Nova Scotia (Workers' Compensation Board) , 2006 NSSC
338

Date: (20061114)
Docket: SN 260733
Registry: Sydney

Between:

Raymond Joseph MacLean

Plaintiff/Respondent

v.

The Workers Compensation Board of Nova Scotia

Defendant/Applicant

LIBRARY HEADING

- Judge:** The Honourable Justice Frank Edwards
- Heard:** November 6, 2006, in Sydney, Nova Scotia
- Subject:** Motion to strike Originating Notice (Action) and Statement of Claim pursuant to Civil Procedure Rule 14.25 and on the ground that the action is statute barred by virtue of the *Workers' Compensation Act*, SNS 1994-95, c.10 (as amended), Section 167.
- Facts:** The Worker brought an action against the Board after ten years of pursuing his claim before the Board and through the various appeal avenues. His claim essentially is that he has been injured by the extended process wherein he feels to have been unfairly dealt with by the Board.
- Result:** I allowed the application and struck the Originating Notice (Action) and Statement of Claim on the basis both that it is statute barred and that it disclosed no reasonable cause of action. The claim involves a series of allegations against the Board without supporting facts.
- Cases Cited:** *Hunt v. Carey Canada Inc.*, [1990] 2 SCR 959 (SCC) at p.

967-980

Cummings v. MacKay [2004] N.S.J. No. 149 (C.A.)

Touche Ross Ltd. et al v. V.P. McCardle et al (1987), 66 Nfld. & PEIR 257 (PEISC)

Shuchuk v. Wolfert, [2001] A.J. No. 1598 (S.C.)

Taylor v. Alberta (Workers' Compensation Board), [2005] A.J. No. 967

Bowles v. Workers' Compensation Board (N.S.) [2002] NSCA 160

Cook v. Nova Scotia (Attorney General), [2005] NSCA 23

South Shore Injured Workers' Association v. WCB et al., [2004] NSSC S.B.W. No. 234337

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