

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Parnell v. Collicutt, 2008 NSSC 35

Date: 20080204

Docket: S.Bw. No. 237167

Registry: Halifax

Between: Elizabeth Parnell, Spruce Cove Wildlife Rehabilitation
Centre, and Tracey Roberts

Plaintiffs

v.

Lester D. Collicutt, Lester D. Collicutt Ventures Limited,
Shawn Bernard Martin, and Darla Joyce Johnson

Defendants

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Judge: The Honourable Justice Gerald R P Moir

Heard: 28, 29, and 30 March 2007 at Halifax

**Deadline for
Written
Submissions:**

31 December 2007

Summary: Costs had to be assessed after defendants had been generally successful. The main issue was the counter-claim for an injunction restraining interference with a right-of-way. One set of defendants had made a formal offer that was better for the plaintiffs than they received after trial. Plaintiffs had made unproved allegations of fraud. Also, one set of defendants abandoned a cross-claim shortly before trial.

Issue: Solicitor and client costs?
Amount of party and party costs?

Result: Not a case for solicitor and client costs. The “amount involved” was set at \$100,000. Basic scale with three days of trial led to an \$18,250 assessment plus \$5,000 lump sum for the fraud allegation. Defendants who made formal offer receive an additional \$6,000. Also \$2,500 awarded on the withdrawn cross-claim.

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