

**IN THE SUPREME COURT OF NOVA SCOTIA**  
**Citation: Boutcher v. Clearwater Seafoods Ltd. Partnership, 2005 NSSC 252**

**Date: 20050622**  
**Docket: SH 244471**  
**Registry: Halifax**

**Between:**

**Cecil Boutcher and Clyde Knickle**

**Plaintiffs**

**v.**

**Clearwater Seafoods Limited Partnership**

**Defendant**

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

**Heard:** June 15, 2005 in Halifax, Nova Scotia

**Written Decision:** September 12, 2005

**Subject:** Severance/misjoinder: Rules 5.02 and 5.03

**Summary:** Employer terminated the employment of two fishing boat captains. They commenced action for negligent misrepresentation, wrongful dismissal and bad faith in the manner of their dismissal. Employer brings application for misjoinder.

**Issue:** Should severance be granted?

**Result:** No misjoinder: application dismissed. Onus on applicant to show misjoinder. Both causes of actions arose from the same transaction or series of transactions.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.***

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