

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Smith v. Doucette, 2005 NSSC 327

Date: 20051017

Docket: 155773

Registry: Halifax

Between:

Candace Smith

Plaintiff

v.

Ryan Doucette

Defendant

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Judge: The Honourable Justice Arthur W. D. Pickup

Heard: October 17, 2005 in Halifax, Nova Scotia

Preliminary Decision: November 29, 2005

Subject: Section 31.10(1) Civil Procedure Rule.

Summary: Defendant was convicted in Provincial Court of assault causing bodily harm contrary to Section 267(b) of the *Criminal Code of Canada*. The plaintiff brought an action in tort arising out of injuries she sustained as a result of this assault.

Plaintiffs counsel intended to proceed by way of introduction of a certificate of conviction and testimony of the plaintiff.

Issue: Whether Court has authority to order the production of a trial transcript and the reasons for judgment from the Provincial Court proceeding.

Result: Court ordered transcript or, in the alternative tapes from Provincial Court proceeding to be introduced at trial pursuant to Section 31.10 of the **Civil Procedure Rules**.

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