

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Finck v. Hartlieb, 2006 NSSC 3

Date: 20060117

Docket: SH 238288

Registry: Halifax

Between:

Lawrence Ross Finck and Carline Antonia Vandensen

Plaintiffs

v.

Rhonda Hartlieb, Giselle Tiche, Christine Coade, Barbara McPherson,
Gale Cromwell, David Barenberg, Alfred Mamo, Dawn Edgar,
Elizabeth Whelton, David Aston, Grant Campbell, Janis Searle &
Craig Merkley

Defendants

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Judge: Justice Hilroy S. Nathanson

Heard: November 22 and 25, 2005 and January 4, 2006

Subject: Practice — Civil Procedure — Application to Strike Statement of Claim

Whether the Statement of Claim disclosed a reasonable cause of action against each of the several defendants, pursuant to **C.P. Rule** 14.25(1).

Summary: The plaintiffs issued a Statement of Claim containing 368 paragraphs against 15 named defendants. It set out claims for general, special, aggravated and punitive damages for actions alleged to constitute unspecified actionable torts. Earlier, certain paragraphs and parts of paragraphs were ordered struck out as against two defendants on the ground that the pleading disclosed no reasonable cause of action against them, and the pleadings were ordered struck out as against two other defendants on the ground of judicial immunity. That left the claims against 11 defendants to be considered in the present application.

Result: Applied the test in **Vladi Private Islands Ltd. v. Haase et al.** (1990), 96 N.S.R. (2d) 323 (S.C.A.D.) at p. 325 and in **Hunt v. Carey Canada Inc.**, [1990] 2 S.C.R. 959 at p. 980. The application of each of the several defendants was granted.

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