

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Nova Scotia (Attorney General) v. Royal & Sun Alliance Insurance Company of Canada, 2004 NSSC 15

Date: 20040110

Docket: S.H. 149142

Registry: Halifax

Between:

The Attorney General of Nova Scotia, Representing
Her Majesty The Queen in Right of the Province of Nova Scotia

Plaintiff

v.

Royal & Sun Alliance Insurance Company of Canada, Guardian Insurance Company
of Canada, The Halifax Insurance Company, Wellington Insurance Company,
General Accident Assurance Company of Canada and Quebec Assurance Company

Defendants

LIBRARY HEADING

Judge: The Honourable Justice Gerald R. P. Moir

Heard: 18 December 2003

Subject: Pretrial Procedure, Disclosure and Production of Documents

Summary: Province sued to recover from insurers payments made to those who claimed to have been abused at provincial institutions as children. After making the payments under an ADR programme, the Province set up a programme to compensate some employees who may have been wrongly accused. Insurers sought production of Employee Compensation Programme documents.

Issue: Whether relevant on a preliminary assessment?

Result: Disclosure ordered. It is arguable that the Province made admissions that some allegations did not give rise to liability. Documentation of possible admissions and of the entire context has a semblance of relevancy. More narrowly, some of the documentation may go to establish reasonableness of some settlements, which may go to the Province's claim of breach of duty to defend.

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