

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Orlandello v. Nova Scotia (Attorney General), 2004 NSSC 223

Date: 20041104

Docket: SH 171556

Registry: Halifax

Between:

Bernice Orlandello

Plaintiff

-and-

Attorney General of Nova Scotia

Defendant

-and-

Cheryl White, as representative of the Estate of Luke James Meredith,
a deceased person, and Jill Chase

Third Parties

And Between:

Cheryl White, as representative of the Estate of Luke James Meredith,
a deceased person, and Jill Chase

Plaintiff by Counterclaim

-and-

Bernice Orlandello

Defendant by Counterclaim

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Judge: The Honourable Justice Felix A. Cacchione

Heard: August 26th, 2004, in Halifax, Nova Scotia

Subject: Summary judgment (CPR 13) Stay of Proceedings

Summary: Plaintiff was injured in accident on provincial ferry and settled with driver and owner. Plaintiff signed a release and then brought an action against defendant who brought a third party claim. Third party applied for summary judgment on basis of release.

Issue: Scope of the release and whether it bars an action against the defendant

Result: Application for summary judgment and stay of proceedings dismissed on basis that release is ambiguous and foresees possible future action because of the inclusion of an indemnification clause.

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

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