

SUPREME COURT OF NOVA SCOTIA
Citation: *White v. Iosipescu*, 2015 NSSC 257

Date: 2015-09-30
Docket: *Halifax*, No. 344284
Registry: Halifax

Between:

Anne-Marie White, Margaret White and Jenny White

Plaintiffs

v.

Michael Iosipescu, Phillip Whitehead and Century Property Management Inc.

Defendants

LIBRARY HEADING

Judge: The Honourable Justice Pierre L. Muise, J

Heard: July 9, 2015, in Yarmouth, Nova Scotia

Summary: The Plaintiffs commenced an action against the Defendants claiming, among other things, damages for loss of moneys advanced to or through Iosipescu and/or Century as loans and/or investments. Iosipescu and Whitehead were partners in a law firm. Iosipescu prepared security documentation in relation to those loans/investments. Iosipescu owned and directed Century. LIANS appointed counsel for Whitehead, but not for Iosipescu. However, LIANS appointed Mr. Dickson as counsel for Iosipescu and the law firm in related proceedings brought by others who had lost money in the same investment scheme. Counsel for the Plaintiffs was unsuccessful in convincing Mr. Dickson that LIANS should also respond to their claim against Iosipescu. The Plaintiffs filed a motion to amend their pleadings to, among other things, remove references to loans/investments and to

Century.

Issue: Should the Court permit the amendments requested?

Result: Permission to make those amendments was denied on the basis that it was sought in bad faith, for the ulterior motive of bringing into play LIANS coverage. There was no factual basis to remove the allegations. Their proposed removal was inconsistent with the clear evidence of, and in the possession of, the Plaintiffs.