

**SUPREME COURT OF NOVA SCOTIA**  
**Citation:** *Poulain v. Iannetti*, 2015 NSSC 303

**Date:** 2015-10-30  
**Docket:** Hfx. No. 288814  
**Registry:** Halifax

**Between:**

George Poulain

Plaintiff

v.

David J. Iannetti

Defendant

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**Judge:** The Honourable Justice Peter P. Rosinski

**Heard:** By written submissions only

**Final Written Submissions:** September 3, 2015

**Subject:** Costs and disbursements after trial – Rule 77

**Summary:** Successful claim of professional negligence involving a lawyer and his conduct *vis-à-vis* a client who had a Section B insurance claim

**Issues:**

- (1) Should two days from an earlier trial, ordered for retrial by the Court of Appeal, be added to the 2.5 days of the retrial in assessing the number of days of trial?
- (2) Should the plaintiff receive all its claimed disbursements?

**Result:**

- (1) They should not be added, given the lack of any legal authority or jurisprudential guidance for awarding costs in such situations, the lack of temporal and substantial nexus between the earlier trial and the retrial, and the fact that the rationale for costs awards would better be served if they were

not included.

(2) The onus is on the successful plaintiff. A number of disbursement claims were denied as not being demonstrated to be necessary and reasonable.

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