

IN THE SUPREME COURT OF NOVA SCOTIA

**Citation:** Willis v. Bernard L. Mailman Projects Limited 2008 NSSC 94

**Date:** 20080402

**Docket:** SBW 196764

**Registry:** Bridgewater

**Between:**

Deborah E. Willis

Plaintiff

v.

Bernard L. Mailman Projects Limited  
and Doyle Patrick Dorey

Defendants

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**Judge:** The Honourable Justice Suzanne M. Hood

**Heard:** February 13, 2008 in Halifax, Nova Scotia

**Written Decision:** April 2, 2008

**Subject:** **Interest and costs: personal injury claim**

**Summary:** The plaintiff was awarded damages for loss of valuable services, special damages, future care costs, diminution of earning capacity and pension loss. The period of lost income was also calculated. The parties agreed on the amount of that lost income but could not agree upon interest and costs.

**Issues:**

1. Interest
  - a. Period for interest
  - b. Calculation of interest where advance payments were made
2. Costs
  - a. Who should get costs and the effect of offers on costs;
  - b. Fixing the amount of costs:
    - (i) Old or new tariff
    - (ii) Scale
    - (iii) Amount involved
    - (iv) Amount of costs

**Result:** Interest awarded up to originally scheduled trial date. Undue delay thereafter until trial date. Interest calculation where advance payments made.

Costs to plaintiff reduced by one-half because of exaggerated claim and position of plaintiff re claim and evidence which lengthened the trial.

Old tariff and Scale 4 used. Lump sum costs award made, reduced by fifty percent.