

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Lamond v. MacLean, 2008 NSSC 232

Date: 20080725

Docket: SH 259258

Registry: Halifax

Between:

John Charles Lamond

Plaintiff

v.

Lauchie MacLean

Defendant

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Judge: The Honourable Justice Gerald R P Moir

Heard: 8 May 2008 at Halifax

Subject: Discovery; questions about settlements for past injuries

Summary: The plaintiff was injured in car accidents in 1969 and 1971. He slipped and fell in 2002 and brought action. Defendant's lawyer sought to question him on discovery about settlements of any claims arising from the accidents.

Issue: Whether plaintiff must answer?

Result: The subject of the questions has no semblance of relevancy to present issues. No claim was made as a result of the 1969 injuries. The 1971 injuries were to different parts of the plaintiff's body, they were inflicted three decades before the relevant injury, and there was a quick recovery. There is an unresolved question about whether the privilege for settlement discussions may, in some circumstances, extend to a settlement agreement. No comment is made on that issue.

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