

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Cherubini Metal Works Ltd. v. Nova Scotia (Attorney General), 2008 NSSC 322

Date: 20080318

Docket: SH 184701

Registry: Halifax

Between:

Cherubini Metal Works Limited, a body corporate

Plaintiff

v.

The Attorney General of Nova Scotia representing her
Majesty the Queen in right of the Province of Nova Scotia,
The United Steel Workers of America and The United Steel
Workers of America, Local 4122

Defendants

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Judge: The Honourable Justice C. Richard Coughlan

Heard: March 18, 2008, in Halifax, Nova Scotia

Decision: March 18, 2008 (Orally) (Re Costs)

Subject: Practice - Costs - Party and Party Costs - Costs Awarded after Successful Summary Judgment Application

Summary: Plaintiff sued the defendant International and Local Unions for negligence, conspiracy and intentional interference with economic interests. It was a complicated proceeding involving extensive disclosure of documents and discovery of 27 witnesses. The plaintiff amended its statement of claim on two occasions. The proceeding involved novel claims. The defendant Unions applied for summary judgment. The application was dismissed. On appeal, the application was successful on the basis the actions against the Unions were within the exclusive jurisdiction of the grievance and arbitration process provided for in the collective agreement.

Issue: Quantum of costs to be awarded the defendant Unions.

Result: The defendant Unions were awarded costs of \$40,000.00, together with disbursements incurred in connection with the Supreme Court action which cannot be used in the grievance and arbitration process.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***