

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Cherubini Metal Works Ltd. v. Nova Scotia (Attorney General), 2008 NSSC 323

Date: 20081121

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

Written

Submissions: May 13, 20, 27, July 31 and August 7, 2008

Decision: November 21, 2008 (Re Disbursements)

Subject: Practice - Costs - Party and Party Costs - Disbursements

Summary: The defendant Unions were successful in obtaining summary judgment dismissing the plaintiff's claim against them on the basis the claims were within the exclusive jurisdiction of the grievance and arbitration process provided for in the collective agreement. The defendant Unions were awarded costs, together with disbursements incurred in connection with the Supreme Court action which could not be used in the grievance and arbitration process. The parties could not agree on the amount of the disbursements.

The Unions also wished to adduce fresh evidence on the original costs' decision and have the original decision reconsidered.

Issue: Should fresh evidence be admitted and the original costs' decision reconsidered?

To what disbursements are the defendant Unions entitled?

Result: The proposed fresh evidence was not admitted into evidence. The original costs' decision was not reconsidered. The disbursements were taxed.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
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