

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: CKF Inc v. Huhtamaki Americas Inc., 2009 NSSC 21

Date: 20090121

Docket: SH 298635

Registry: Halifax

Between:

CKF Inc.

Plaintiff/Respondent

v.

Huhtamaki Americas, Inc. and Huhtamaki Company Manufacturing

Defendant/Applicant

LIBRARY HEADING

- Judge:** The Honourable Justice Frank Edwards
- Heard:** December 10, 2008, in Halifax, Nova Scotia
- Subject:** Motion to strike, CPR 14.25 (old Rules); Motion to transfer to Ontario and Maine, USA pursuant to Court Jurisdiction and Proceedings Transfer Act (proclaimed June 1, 2008) (“CJPTA”).
- Issue:**
1. Whether “plain and obvious” that any part of Plaintiff’s statement of claim must fail;
 2. Whether Nova Scotia - not Ontario or Maine - is the more appropriate forum under the CJPTA.
- Result:**
1. No part of statement of claim “plain and obvious” to fail.
 2. Nova Scotia is the most appropriate forum under CJPTA.
- Cases Noticed:** *Huhtamaki Company Manufacturing v. CKF Inc.*, Recommended Decision on Motion to Dismiss and Order on Ancillary Motions of US Magistrate Judge Kravchuk, Case No. 1:08-CV-264-JAW (D. Me. November 20, 2008);

Huhtamaki Company Manufacturing v. CKF Inc., Endorsement (at Case Conference), Court File No. 08-CV-042295 (Ont. Master, November 28, 2008);

Sable Mary Seismic Inc. v. Geophysical Service Inc., 2007 CarswellNS 559;

RIM v. Atari Inc., 2007 CanLII 33987 (Ont. S.C.);

Sullivan Entertainment Inc. v. Anne of Green Gables Licensing Authority, 2000 CanLII 16445 (F.C.);

Astral Media Radio Inc. v. SOCAN, 2008 CarswellNat 3865 (F.C.);

Amchem Products Inc. v. British Columbia (1993)

Lloyd's Underwriters v. Cominco Ltd., 2007 CarswellBC 864; leave to appeal to S.C.C. granted [2007] S.C.C.A. No. 322;

Purple Echo Productions Inc. v. KCTS Television, 2008 CarswellBC 337 (C.A.);

Fujitsu Consulting (Canada) Inc. v. Themis Program Management & Consulting Ltd., 2007 CarswellBC 2137 (S.C.);

Z.I. Pompey Industrie v. ECU-Line N.V., [2003] 1 S.C.R. 450;

Columbia Pictures Industries v. Wang, 2007 CarswellSask 648 (C.A.);

Skyway Canada Ltd. v. Clara Industrial Services Ltd., 2005 CarswellOnt 5060;

Maritime Telegraph & Telephone Co. v. Pre Print Inc., 1996 CarswellNS 12 (C.A.);

Pro Swing Inc. v. ELTA Golf Inc., 2006 SCC 52;

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