

SUPREME COURT OF NOVA SCOTIA

Citation: MacDonnell v. Halifax Herald Ltd., 2009 NSSC 187

Date: 20090608

Docket: Hfx No. 312377

Registry: Halifax

Between:

Jasmine MacDonnell

Plaintiff

v.

The Halifax Herald Limited, a body corporate,
and Stephen Maher

Defendants

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Judge: The Honourable Justice Gerald R P Moir

Heard: 8 June 2009 at Halifax

Written Decision: Oral decision edited and signed on 12 June 2009

Subject: Interim injunction; invasion of privacy; Bailment and conversion

Summary: A press secretary inadvertently recorded five hours of casual conversation with a federal minister. The recording found its ways into the hands of a reporter. The press secretary started an action and moved for an interim injunction against publishing parts of the recorded conversation.

Issue: (1) Whether the principle against prior restraint applies?
(2) If not, whether an interim injunction should be issued?

Result: (1) Doubt was expressed that the principle against prior restraint applied in cases other than defamation.
(2) However, this is not a case for exercising the discretion to grant an interim injunction. The low threshold for a “serious issue” is not met, and if it were, the balance of convenience would weigh heavily in favour of freedom of the press.

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