

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** Taylor v. Dairy Farmers of Nova Scotia, 2009 NSSC 232

**Date:** 20090729

**Docket:** ST. 314398

**Registry:** Truro

**Between:**

Paul Taylor and Doug Bacon

Plaintiff

- and -

Dairy Farmers of Nova Scotia

Defendant

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**Judge:** The Honourable Justice Gerald R. P. Moir

**Heard:** July 29, 2009 in Halifax, Nova Scotia

**Written Release  
of Oral Decision:** July 30, 2009

**Subject:** Interim injunction; *ex parte* motion

**Summary:** The applicants allege that regulations made by the dairy industry regulator are *ultra vires* and that their coming into force in a few days time would substantially devalue their quota. They moved for an interim injunction by *ex parte* motion. A preliminary issue was determined.

**Issue:** Whether the motion should be heard *ex parte*?

**Result:** Motion dismissed. Urgency is not a sufficient ground for an *ex parte* determination. The examples in Rule 22.03(2) illustrate the restrictions on circumstances in which a motion can be brought under Rule 41.05. Rule 22.03(2)(d) is especially instructive in this case.

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