

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** Heydari v. Ingram, 2010 NSSC 110

**Date:** 20100329

**Docket:** Hfx No. 311746

**Registry:** Halifax

Between:

Katayoun Heydari

Plaintiff

and

Paul Ingram and Rebecca Ingram

Defendants

and

Ali Nejat

Third Party

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

**Heard:** January 21, 2010

**Subject:** Company law, dividends, equal entitlement; Summary judgment

**Summary:** Two shareholders worked for the company and others were passive investors. An accountant advised that the working shareholders' shares should be in a separate class and they should be paid by dividends. Their remuneration was recorded as dividends, but a special class of shares never got issued. A passive shareholder sued the working shareholders for her equal share of dividends. The working shareholders defended on the bases that she was bound by her husband's agreement to issuing a special class of shares and that her claim, if any, was against the company, not them.

**Issues:** Whether the plaintiff had clearly proven her claim.

**Result:** She had not. The defendants' evidence raised genuine issues of fact requiring trial

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