

SUPREME COURT OF NOVA SCOTIA

Citation: Sable Offshore Energy Inc. v. Ameron International Corporation,
2010 NSSC 155

Date: 20100419
Docket: 220343
Registry: Halifax

Between:

Sable Offshore Energy Inc., as agent for and on behalf of the Working Interest Owners of the **Sable Offshore Energy Project, Exxonmobil Canada Properties, Shell Canada Limited, Imperial Oil Resources, Mosbacher Operating Ltd.**, and **Pengrowth Corporation; Exxonmobil Canada Properties** as operator of the **Sable Offshore Energy Project**

Plaintiffs

and

Ameron International Corporation; Ameron (UK) Limited; Ameron B.V.; Allcolour Paint Limited; Amercoat Canada; Rubyco Ltd.; Danroh Inc.; Serious Business Inc.; Barrier Limited; Parker Brothers Contracting Limited; RKO Steel Limited; Cherubini Metal Works Limited; Comstock Canada Ltd.; Adam Clark Company Ltd.; A.B. Mechanical Limited; A & G Crane Rentals Limited carrying on business as **A & G Crane Limited; A.M.L. Painting Limited; Argo Protective Coatings Incorporated; Allsteel Coating Limited; Mills Painting & Sandblasting Limited**

Defendants

and

Amec E & C Services Limited, successor to Agra Monenco Inc., in their own right, **Kellogg Brown & Root**, a division of Haliburton Group Canada Inc. and **Amec Black & McDonald Limited** operating as BMS Offshore, successor to BMS Offshore Limited, in their own right and/or collectively operating as BBA, a joint venture

Third Parties

SUPPLEMENTARY DECISION

Judge: The Honourable Justice Suzanne M. Hood

Heard: March 3 and April 16, 2010 in Halifax, Nova Scotia

Written Decision: April 19, 2010

Counsel: **March 3, 2009**

Robert G. Belliveau, Q.C. for Sable Offshore Energy Inc.
John P. Merrick, Q.C., for the Ameron defendants
Terrence L.S. Teed, Q.C. for the Amercoat defendants
Frank Tarulli for the onshore settling defendants

April 16, 2010

Robert G. Belliveau, Q.C. and Christopher Robinson, Q.C.
for Sable Offshore Energy Inc.
John P. Merrick, Q.C., for the Ameron Defendants

By the Court:

[1] On January 20, 2010, I issued a decision in this matter with respect to the terms of a Pierringer Order. Since that time, I have heard further oral submissions on two occasions (March 3 and April 16) and received written submissions.

[2] I therefore issue this Supplementary Decision to reflect three changes to my original decision. These relate to:

- 1) Amendment to the style of cause;
- 2) Amendments to the Statement of Claim; and
- 3) The issue of admissions in pleadings.

[3] In paragraph 52, I said there was no need to amend the style of cause. I have subsequently been provided with further authority on this issue. I now conclude that the style of cause is to be amended by deleting the names of the Settling Defendants.

[4] In paragraphs 40 to 60, I dealt with the amendment of the Statement of Claim. I have reconsidered this matter and now conclude that the portions which the plaintiffs wish to delete are to be shaded. In addition, a paragraph is to be

added to the Statement of Claim to the effect that the plaintiffs are no longer pursuing these allegations against the Settling Defendants.

[5] In paragraph 44 of the original decision, I concluded that certain paragraphs of the Statement of Claim were not admissions. After receiving further submissions, I conclude that full argument on this issue should be left for a later time. Accordingly, a paragraph should be added to the Order, as proposed by Mr. Merrick:

Nothing herein shall restrict or prevent the non-settling Defendants from alleging that the shaded portions in the attached Statement of Claim constitute admissions
...

[6] The decision of January 20, 2010 (2010 NSSC 19) is amended accordingly.

Hood, J.