

SUPREME COURT OF NOVA SCOTIA

Citation: *Watkins v. Hines*, 2010 NSSC 241

Date: 20100504

Docket: Hfx No. 272509

Registry: Halifax

Between:

Peter Watkins, of Porter's Lake, Nova Scotia

Plaintiff

v.

Peter Hines, of West Chezzetcook, Nova Scotia

Defendant

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Judge: The Honourable Justice M. Heather Robertson

Heard: May 4, 2010, in Halifax, Nova Scotia

Decision: May 4, 2010 (**Orally**)

Written Release: June 23, 2010

Subject: Stay Application in setting trial dates for a non test cap case - s. 113B of the *Insurance Act*, R.S.N.S. 1989, c. 231, as amended, and the *Automobile Insurance Tort Recovery Limitation Regulations*, N.S. Reg. 182/2003 - definition of minor injury challenge on constitutional issues to S.C.C.

Summary: Stay granted by Coady, J. until decision NSCA rendered .

Issue: Further stay requested until test cases dealt with on leave to SCC.

Result: Stay granted in interests of procedural fairness and efficiency. Prejudice to defendant not greater than prejudice to plaintiff - by delay in granting trial dates.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***