

SUPREME COURT OF NOVA SCOTIA

Citation: Korem v. Crown Jewel Resort Ranch Inc., 2011 NSSC 76

Date: 20110216

Docket: SYDJC339992

Registry: Sydney

Between:

Nahman Korem

Plaintiff

v.

Crown Jewel Resort Ranch, Inc.

Defendant

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Judge: The Honourable Justice Frank Edwards

Heard: February 16, 2011 in Sydney, Nova Scotia

Written Decision: February 21, 2011

Subject:

Subject: CPR 42.01 Motion for Preservation Order

Facts: Husband and wife ran a resort business until their separation. Business operated through a number of corporate entities in which the husband and wife were the only owners, shareholders, and directors. After separation, husband alleges wife is destroying assets and trying to disrupt business. Husband also alleges that he is owed \$2 million by one of the Companies. Husband starts action to collect debt in General Division of Supreme Court. He applies for Preservation Order to protect assets of Company and prevent business disruption.

Issue: Whether Preservation Order should be granted.

Result:

Preservation Order denied. The action in the General Division was in the wrong forum. Issues were clearly matrimonial and should have been dealt with in the Family Division where divorce proceedings were in progress. The dispute was really about a determination of matrimonial property and apportionment thereof.

In any event, the motion did not meet the test in **RJR MacDonald** case. There was no serious question to be tried and no danger that the Mover would suffer irreparable herein if the Preservation Order were not granted.

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