

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** Casey v. Halifax (Regional Municipality), 2011 NSSC 267

**Date:** 20110630

**Docket:** Hfx. No. 258954

**Registry:** Halifax

**Between:**

Darren Casey

Plaintiff

v.

The Halifax Regional Municipality, Debbie Bonang, Dr. Richard MacGillivray

Defendants

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**Judge:** The Honourable Justice Peter P. Rosinski

**Heard:** June 28, 2011 in Halifax, Nova Scotia

**Written Decision:** June 30, 2011

**Subject:** When is an employee subject to a Collective Agreement, precluded from suing their employer, other employees and third parties in court?

**Summary:** Darren Casey and his wife Lisa, were both employees of Halifax Regional Municipality - firefighter and police woman respectively, but covered by different Collective Agreements. Casey sued Halifax Regional Municipality, and a nurse employed in the Police Services Employee Assistance Program for intentional torts and negligence causing anxiety and mental suffering. Halifax Regional Municipality and nurse refused to provide any disclosure based on their submission that the Court had no jurisdiction because the Collective Agreement exclusively covers the claims made by Casey.

**Issue:** In the Plaintiff's Motion for an Order for Disclosure

pursuant to *Civil Procedure Rule* 14 and 15, in the context of an upcoming Defendant's Motion for Summary Judgment on Evidence, should the Court order the Defendants disclose their documents to the Plaintiff before the Summary Judgment Motion?

**Result:**

Disclosure ordered as the presumption for full disclosure in *Civil Procedure Rule* 14.08 was not rebutted, in spite of the Defendants' argument the Court had no jurisdiction.

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