

SUPREME COURT OF NOVA SCOTIA

Citation: Velsoft Training Materials Inc. v. Global Courseware Inc.,
2011 NSSC 274

Date: 20110706

Docket: Hfx No. 341894

Registry: Halifax

Between:

Velsoft Training Materials Inc. and Velsoft International Inc.

Plaintiffs

v.

Global Courseware Inc., Glen Myers a.k.a. Joe Myers,
Lori Gillin a.k.a. Michelle Masterson
and Charissa Fraser a.k.a. Maria Fraser

Defendants

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Judge: The Honourable Justice Glen G. McDougall

Heard: June 8 and 9, 2011 in Halifax, Nova Scotia

Subject: Anton Piller Order (Order to preserve evidence); Motion to Set Aside an Anton Piller Order

Summary: An Anton Piller order was granted, *ex parte*, to the plaintiffs. The defendants applied to have the Order set aside.

Issue: Did the plaintiffs satisfy the four essential conditions for the making of an Anton Piller Order which originated in Anton Piller KG v. Manufacturing Process Ltd., [1975] 1 All E.R. 779, [1976] Ch. 55 and later adopted by the SCC in Celanese Canada Inc. v. Murray Demolition Corp., [2006] 2 S.C.R. 189, 2006 SCC 36?

Result: The plaintiffs failed to satisfy the fourth condition for an Anton Piller Order which required them to show that there is a real possibility that the defendants may destroy evidence before the discovery process can do its work. The Order was set aside.

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