

SUPREME COURT OF NOVA SCOTIA

Citation: Saturley v. CIBC World Markets Inc., 2011 NSSC 310

Date: 20110629

Docket: Hfx No. 305635 and
Hfx No. 322441

Registry: Halifax

Between:

Fredrick Thomas Saturley

Plaintiff

and

CIBC World Markets Inc.

Defendant

Between:

Gayle Crooks, Archie Gillis, and Karen McGrath

Plaintiffs

and

CIBC World Markets Inc./Marches Mondiaux CIBC Inc.
carrying on business as CIBC Wood Gundy

Defendant

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Judge: The Honourable Justice Gerald R. P. Moir

Heard: Hfx No. 305635 heard June 24, 2011 and Hfx No. 322441 by
correspondence

Subjects: Civil Procedure; Case Management Directions, including content of
notice to class members, disclosure of "facts" from witness
interviews, and redacting irrelevant text.

Summary: Parties moved for directions on numerous issues.

Issues: Including (1) Should the statement of common issues be included in
the notice to class members in the class action? (2) In the other
action, must the defendant disclose what its counsel knows as a
result of interviewing witnesses? (3) Is it appropriate to redact
information merely because it is irrelevant?

Results: Among other issues, (1) In this case, including the statement of common issues could mislead. (2) The principle that litigation privilege does not protect "facts" is restricted to material facts as opposed to evidence. What counsel heard and observed when interviewing witnesses is privileged. (3) Followed *Banks v. National Bank*. Irrelevancy is a sufficient reason to redact text unless there is good reason to disclose all the text, such as that the redaction would distort the meaning of the rest of the text.

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