

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** Wolverine Motor Works Shipyard LLC v. Canadian Naval Memorial Trust, 2011 NSSC 308

**Date:** 20110729

**Docket:** Hfx No. 226509

**Registry:** Halifax

**Between:**

Wolverine Motor Works Shipyard LLC

Plaintiff

v.

Canadian Naval Memorial Trust

Defendant

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**Judge:** The Honourable Justice Glen G. McDougall

**Heard:** March 15 - 18, 22, 24, 25 and June 4, 2010, Halifax, Nova Scotia

**Subject:** Allegation of negligence by failing to take adequate safety precautions to properly secure a vessel moored at a wharf in Halifax Harbour during Hurricane Juan – September, 2003.

**Summary:** The de-commissioned war-time Corvette Sackville was moored to its berth next to the Maritime Museum of the Atlantic. The Sackville had no power (i.e., a “dead ship”). The sailing / motor vessel Larinda was tied up next to the Sackville. At the height of Hurricane Juan, the Sackville’s lines either parted or paid out allowing it to strike the Larinda, holing it and causing it to sink. After being raised, the Larinda was sold for salvage. The owners of the Larinda sued for its almost total loss.

**Issue:**

- (1) On liability, whether the defendant Trust took all reasonable measures in the circumstances to secure Sackville in anticipation of the hurricane; and, if not
- (2) What is an appropriate measure of damages.

**Result:** The plaintiff failed to prove that the mooring arrangement used to secure the Sackville was inadequate. The defendant took all reasonable and necessary precautions in the face of the pending hurricane and hence was not negligent. In the event the Court is mistaken on the issue of liability, damages based on the estimated value of the stricken vessel and the costs incurred to refloat it less its salvage value were assessed and pre-judgment interest added.

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