

Case No.

Vol No.

Paul Wilson

Plaintiff/Respondent

- and -

**Cross Roads Co-Operative, a body corporate,
Co-Op Atlantic, a body corporate, Anna Yorke,
Joan Quinn, Elizabeth Welton, Kenneth Canning,
Frank Quinn, Milford Welton, Ronald MacLean,
Steven Hanna, David Gilbert, Raymond Smith,
Clayton Graham, Charles Davison, Brenda Allen,
Angela Gilroy, Beverly Duguay and Angela Vautour**

Defendants/Applicants

Justice Walter R. E. Goodfellow

Amherst, Nova Scotia

S.Am. No. 3197

[Cite as: Wilson v. Cross Roads Co-Operative, 2001 NSSC 130]

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DATE HEARD: September 6th, 2001 (Chambers)

DECISION: September 6th, 2001 (Orally)

**WRITTEN
DECISION: September 28th, 2001**

**SUBJECT: 1. APPLICATION TO STRIKE STATEMENT OF CLAIM AGAINST
INDIVIDUALS C.P.R. 14.15
2. APPLICATION TO LIMIT DISCOVERIES C.P.R. 18.01**

**SUMMARY: Wilson sued for wrongful dismissal as Manager of Co-Op.
Wilson alleges fraud accusation of sexual assault and that Co-Op
knew that allegations were recanted but persisted in his
dismissal.**

**Applied test for C.P.R. 14.15 outlined by Pugsley, J.A. in *Future
Inns Canada Inc. v. Labour Relations Board (N.S.), et al* (2000),
179 N.S.R. (2d) 213 at p 222.**

Also concluded application of law where no allegations of Directors of conduct or misconduct outside the scope of their authority as Directors was a further basis for striking. They are not personal privy to the contract of wrongful dismissal. *Pearl v. Pacific Enercon Inc.* [1985] B.C.J. No. 2180 (C.A.) [Q.L.]. Additionally, no tortuous acts of individual Defendants alleged which are separate and independent of the breach of contract alleged. *Lussier v. Windsor-Essex School Board* (1999), 128 O.A.C. 98 (D.C.).

Costs taxed to go to successful party in the cause so as to not be subsumed in any Tariff determination by Trial Justice. *Gilfoy, et al v. Kelloway, et al* (2000), 184 N.S.R. (2d) 226.

**THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS COVER SHEET.**