

SUPREME COURT OF NOVA SCOTIA

Citation: A.B.C. v. Nova Scotia (Attorney General), 2011 NSSC 476

Date: 20111223

Docket: Hfx. No. 262658

Registry: Halifax

Between:

A.B.C.

Plaintiff

v.

The Attorney General of Nova Scotia, representing Her Majesty the Queen in
Right of the Province of Nova Scotia

Defendant

LIBRARY HEADING

Restriction on Publication: Restriction on publication of plaintiff's name under
Civil Procedure Rules 85.04(1) and (2) and
85.05(1) and (2).

Judge: The Honourable Justice A. David MacAdam

Heard: September 19, 20, 21, 22, 26, 2011, in Halifax, Nova Scotia

**Final Written
Submissions:** December 7, 2011

Subject: confidentiality orders, publication bans, discretion, historic
sexual assault

Summary: The plaintiff was sexually assaulted by a probation officer and
commenced an action against the Province, which admitted
liability, but raised a limitations defence. The plaintiff applied
pursuant to Rule 85.04 for a confidentiality order allowing him
to proceed by use of a pseudonym and directing that his identity
not be published or broadcast, and that documents be filed
using the pseudonym. There was evidence from a psychologist
of likely harm arising to the plaintiff as a result of the
publication of his identity.

Issue: Should a confidentiality order be granted?

Result: While court proceedings are presumptively open, the court has a discretion to restrict public access. The court's discretion should not be exercised for reasons only of potential inconvenience or embarrassment to the individual concerned. However, in this case there was evidence that disclosure of the plaintiff's identity was likely to lead to the re-traumatizing of the plaintiff, making it more difficult for him to undergo successful therapy. While the public was entitled to know about the proceeding generally, a confidentiality order respecting his identity was justified in view of the potential harm arising from disclosure.

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