

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** Nelson v. Queripel, 2011 NSSC 478

**Date:** 20111222

**Docket:** Ken No. 189394

**Registry:** Kentville

**Between:**

Jennifer Kathleen Nelson

Plaintiff

v.

Gregory Queripel

Defendant

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**Judge:** The Honourable Justice Gerald R. P Moir

**Heard:** December 6, 2011

**Written Reasons:** December 22, 2011

**Subject:** Civil Procedure; Place of Trial; Change of Venue

**Summary:** Plaintiff, who had nominated Kentville as the place of trial, moves to change it to Halifax after the defendant made a request to set trial dates. Defendant opposed the motion and sought the appointment of trial dates in Kentville.

**Issue:** Whether *Shortliffe's Grocery*, which required strong evidence of a "great preponderance of convenience", applies under new Rule 47.04.

**Result:** The new Rule does not protect the plaintiff's selection of trial venue. Rather, it creates a general discretion for the court to choose the place that is the more just. That would be Kentville in the circumstances.

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