

SUPREME COURT OF NOVA SCOTIA

Citation: Hillwood Holdings Ltd. v. Cangra Distribution Inc., 2013 NSSC 27

Date: 20130125

Docket: Hfx. No. 341260 & 333563

Registry: Halifax, NS

Between:

Hillwood Holdings Limited and Howard Dwyer

Applicants

v.

Cangra Distribution Inc., Michael Iosipescu, Philip Whitehead, and Iosipescu,
Whitehead and Metlege, a law firm

Respondents

- and -

Nova Scotia Barristers' Society

Intervenor

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Judge: Justice Patrick J. Murray

Heard: November 26, 2012, in Halifax, Nova Scotia

**Written
Decision:** January 25, 2013

Subject: Motions for Disclosure by Applicants pursuant to Civil
Procedure Rules 15.02 and related rules.

Summary: The Applicants filed two (2) Motions for further and better disclosure and for disclosure of specific documents (three (3) sealed boxes and two (2) CDs). The documents were purported to be those of the Respondent, Cangra Distribution Inc. and related companies. The Society intervened to ensure protection of solicitor/client privilege.

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Issue: What further disclosure should be ordered of the Respondents and in respect of the specific documents?

Result: Disclosure Order granted. Further and better disclosure ordered under certain categories including accounting and business records, client files and reporting. Other disclosure refused applying the rule of proportionality. In respect of specific documents, Court appointed third (3rd) party referee to review sealed documents and protect issues of privilege prior to disclosure. Detailed provisions of proposed Order provided. Costs of referee apportioned between Applicants and Society.

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