

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** Webber v. Investors Group Financial Services Inc., 2012 NSSC 201

**Date:** 20120522

**Docket:** Hfx No. 260487

**Registry:** Halifax

**Between:**

Edward Webber

Plaintiff

v.

Investors Group Financial Services Inc. and Kevin Gildart

Defendants

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

**Heard:** March 9, 2012

**Final Written  
Submissions:** May 9, 2012

**Subject:** Costs, appearance day motion, failure to answer interrogatories

**Summary:** The plaintiff failed to answer a defendant's interrogatories, and was ordered to do so at appearance day. The defendant requested a \$2,000 indemnity under Rule 19.08(2) against its counsel's charges of \$2,722.

**Issue:** Whether to order a substantial contribution toward actual costs of getting answers to interrogatories?

**Result:**

The various Rules that provide for indemnity are different from lump sum party and party costs because Rule 77.09(2)(a) calls for a substantial contribution toward the actual amount counsel will charge to his or her client as a result of the other party's wasteful behaviour. The indemnity is available on an appearance day motion. It is allowed at \$2,000 payable now.

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