

SUPREME COURT OF NOVA SCOTIA

Citation: *Laushway v. Messervey*, 2013 NSSC 47

Date: 20130208

Docket: Hfx No. 284264

Registry: Halifax

Between:

Peter Laushway

Plaintiff

v.

Albert Messervey and Sobeys Group Inc.

Defendants

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Judge: The Honourable Justice M. Heather Robertson

Heard: June 11 and November 6, 2012, in Halifax, Nova Scotia

Decision: February 8, 2013

Subject: Disclosure order sought by defendants for a copy of the plaintiff's hard drive to conduct a metadata analysis to determine computer usage patterns. *Civil Procedure Rule 16.*

Summary: The plaintiff injured in a motor vehicle accident claims loss of income as he is unable to spend as much time running his internet business as a result of the injuries sustained in the MVA.

Issue: Relevance of the requested disclosure and weighing of privacy interests of plaintiff and third parties who used the computer.

Result: The request for hard drive disclosure and the metadata analysis is appropriate and logically relevant to the plaintiff claim for loss of income. The Court is satisfied procedures will be employed to address privacy issues.

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