

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *MacAulay v. Ali*, 2013 NSSC 271

**Date:** 20130823

**Docket:** Hfx No. 406023

**Registry:** Halifax

**Between:**

Heather MacAulay

Plaintiff

v.

Ahmad Ali

Defendant

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**Judge:** The Honourable Justice Michael J. Wood

**Heard:** August 20, 2013, in Halifax, Nova Scotia

**Decision:** August 23, 2013 (Orally)

**Written Release  
of Decision:** September 3, 2013

**Subject:** Summary Judgment - Evidence

**Summary:** The defendant sought summary judgment on evidence. Both parties filed affidavits of administrative personnel attaching various documents as exhibits. The defendant relied primarily on a video recording of the plaintiff at the time of the accident, which allegedly showed that the plaintiff did not suffer any injury.

**Issue:** What evidence is admissible on the summary judgment motion?

Should summary judgment be granted?

**Result:** The attachment of documents to affidavits of persons without personal knowledge does not make them admissible. The only evidence admitted on the motion was the video recording and the written statement of the plaintiff. The Court was not prepared to draw inferences from the video without witness testimony. Defendant unable to show no material issues of fact requiring trial - motion dismissed.

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