

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** Roué v. Nova Scotia, 2013 NSSC 326

**Date:** (20131031)

**Docket:** Hfx. No. 407754

**Registry:** Halifax

**Between:**

Joan Elizabeth Roué and Lawrence James Roué

**Applicants**

v.

Her Majesty the Queen in Right of the Province of Nova Scotia, Lengkeek Vessel Engineering Inc., Lunenburg County Shipwrights Incorporated, carrying on business as Covey Island Boatworks, Lunenburg Foundry & Engineering Incorporated, Lunenburg Shipyard Alliance Limited, MHPM Project Managers Incorporated, and Snyder's Shipyard Limited

**Respondents**

**Judge:** The Honourable Justice Peter P. Rosinski

**Heard:** October 8, 2013 in Halifax, Nova Scotia

**Written**

**Decision:** October 30, 2013

**Subject:** Consideration of authorizing discovery subpoenas in Application in Court proceeding - *CPR* 18.09 - 18.11

**Summary:** Lengkeek designed the recently reconstructed Bluenose II Schooner's hull, while the other Respondents were involved in the reconstruction thereof for the Province of Nova Scotia.

The Roués claimed copyright violations in relation to the Bluenose II. An Application in Court scheduled for April 2014 will determine the merits. The Respondents designated Discovery Managers and asserted that in the circumstances the Applicants were restricted by the Court's earlier Scheduling Order and the *Rules* to oral discovery of only those persons.

Roués made motion for authorization of a discovery subpoena for Ben Millson, a naval architect/technologist, who was a key person involved in the design of the recently reconstructed Bluenose II; and for Philip Snyder, Co-owner and semi-retired operational head of Snyder's Shipyard Ltd. Neither of these two persons were designated Discovery Managers.

**Issue:** Should Discovery Subpoenas be authorized for either of these individuals?

**Result:** The Court was not restricted by its earlier Scheduling Order. Both it and the *Rules* allowed the Court to consider applications for further oral discoveries. Discovery Subpoena authorized for Ben Millson, but not for Philip Snyder applying the test: "what would promote the just, speedy and inexpensive resolution of the proceeding?"

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