

SUPREME COURT OF NOVA SCOTIA

Citation: Drummond v. Grafton-Connor Property Inc., 2013 NSSC 370

Date: 20131127

Docket: Hfx No. 343024

Registry: Halifax

Between:

Ian Ronald Drummond

Plaintiff

v.

Grafton-Connor Property Incorporated, a body corporate
of Halifax Regional Municipality, the Province of Nova Scotia,
c.o.b. under the name of Cheers Burger Emporium & Lounge;
Jonathan Lawrence Briggs and Brent Kisil

Defendants

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Judge: The Honourable Justice Michael J. Wood

Heard: December 19, 2012 and August 23, 2013, in Halifax,
Nova Scotia

Written Decision: November 27, 2013

Subject: Civil Procedure - Summary Judgment

Summary: The plaintiff was thrown out of an establishment and seriously injured. He has no recollection of the events which were captured on video cameras. The defendants moved for summary judgment on the basis of the video

evidence and the affidavit of the bouncer denying that he applied force.

Issue: Should summary judgment be granted?

Result: The Court was not satisfied that the defendants had met the initial burden of showing there was no genuine issue of material fact requiring trial. The video evidence could not be interpreted in isolation and required evidence of witnesses in order to determine inferences to be drawn. Plaintiff provided expert opinion to assist in understanding events depicted. Motion dismissed.

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