

SUPREME COURT OF NOVA SCOTIA

Citation: RCBS Holdings Inc. v. East River Holdings Ltd, 2013 NSSC 410

Date: 20131022

Docket: PIC. No. 408356

Registry: Pictou

Between:

RCBS Holdings Incorporated

Applicant

v.

East River Holdings Limited

Respondent

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Judge: The Honourable Justice Patrick J. Murray

Heard: September 17, 2013 in Pictou, Nova Scotia

Oral Decision: October 21, 2013

Subject: Civil Contempt, *Civil Procedure Rule 89*

Summary: The Applicant sought an Order for contempt against the Respondent company. The Order required the Respondent to provide audited financial statements. The Applicant asked the Court to find the principals of the company in contempt for causing the actions or inactions (default) of the company.

Issue: Should the Respondent company and/or its principals be held in contempt of the Order to prepare audited financial statements?

Result: Both company and individuals held responsible for contempt pursuant to *Civil Procedure Rule 89*.

Progressive form of sanction issued by the Court including payment of funds into Court to enable the auditing process, to be completed in accordance with previous Order.

The *Companies Act*; *Rule 89.08(1)*; and *89.13* all considered in this decision.

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