

SUPREME COURT OF NOVA SCOTIA

Citation: Taylor v. Wright Medical Technology Canada Ltd., 2014 NSSC 89

Date: 20140307

Docket: Hfx No. 355381

Registry: Halifax

Between:

Ken Taylor

Plaintiff

v.

Wright Medical Technology Canada Ltd., Wright Medical
Technology Inc., and, Wright Medical Group, Inc.

Respondents

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Judge: The Honourable Justice Michael J. Wood

Heard: August 15, 2013 (in Chambers), in Halifax, Nova Scotia

**Final Written
Submission:** December 19, 2014

Written Decision: March 7, 2014

Subject: Class Proceedings - Certification

- Summary:** The plaintiff suffered a premature fracture of a component of the artificial hip supplied by the defendants. He sought certification of a class proceeding representing members who had similar fractures.
- Issue:** Should the proceeding be certified under the *Class Proceedings Act*?
- Result:** The Court was satisfied that the certification should be granted on the evidence presented. The application of the *Sale of Goods Act* was not found to be a common issue. Quantification of punitive damages, if any, was deferred until after assessment of individual damages. A small class was not an impediment to certification on a national basis.

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