

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: D.C. v. Children's Aid Society of Cape Breton, 2008 NSSC 196

Date: 20080709

Docket: SN 206119

Registry: Sydney

Between:

D. C.

Plaintiff

v.

Children's Aid Society of Cape Breton Victoria,
a body corporate

Defendant

LIBRARY HEADING

Editorial Notice

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Judge: The Honourable Justice C. Richard Coughlan

Heard: June 3, 2008, in Sydney, Nova Scotia

Decision: June 3, 2008 (Orally)

Release of

Written Decision: July 9, 2008

Subject: Practice - Striking out statement of claim - Failure to disclose cause of action

Summary: The defendant apprehended a newborn child of which the plaintiff was the father. The plaintiff sued the defendant, basing his claim on negligence, malicious prosecution, abuse of position, abuse of process, breach of fiduciary duty and defamation of character. The defendant applied to strike the statement of claim.

Issue: Does the statement of claim disclose a cause of action?

Result: Application granted. Assuming the facts pleaded as true, it is plain and obvious the statement of claim discloses no reasonable cause of action.

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