

SUPREME COURT OF NOVA SCOTIA

Citation: Matheson v. CIBC Wood Gundy, 2014 NSSC 340

Date: 20140918

Docket: Syd. No. 317830

Registry: Sydney

Between:

Donald Matheson and Carolyn Matheson

Applicants

v.

CIBC World Markets Inc./Marches Mondiaux CIBC Inc. carrying on business as
CIBC Wood Gundy

Respondent

LIBRARY HEADING

Judge: The Honourable Justice Arthur W.D. Pickup

Heard: By Written Submissions

Final Written Submissions: Applicants' Brief on Costs – June 11, 2014
Respondent's Brief on Costs – June 10, 2014
Applicants' Reply Brief – June 13, 2014
Respondent's Reply Brief – June 13, 2014

Subject: Costs for out of town counsel, expert fees and disbursements.

Summary: The Mathesons retained Halifax counsel to represent them in a matter being heard in Sydney, Nova Scotia. The Mathesons' counsel sought to recover travel costs incurred by them travelling to Sydney. The Mathesons also sought the costs incurred for their expert witness.

Issues: (1) Whether the Mathesons were entitled to recover travel costs incurred by legal counsel as disbursements?
(2) The amounts which the Mathesons were entitled to recover as disbursements the fees and expenses charged by

their expert witness.

Result:

The Mathesons were entitled to recover travel costs incurred by their legal counsel due to the nature of the case, as the retention of local counsel was found not to be appropriate due to their Halifax counsel's familiarity with the issues.

The Mathesons were entitled to recover disbursements incurred in relation to their expert's preparation of his report and attendance at the hearing. The fee for the preparation of the expert's report was reduced by 25% because a number of the Mathesons' causes of action against the respondents were rejected and these had been based on the expert's report.

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