

IN THE SUPREME COURT OF NOVA SCOTIA
Citation: Bell v. Canada (Attorney General), 2006 NSSC 368

Date: 20061205
Docket: S.H. 104542
Registry:Halifax

Between:

Pearl Winnifred Bell and Robert William Bell on their own behalf and on the behalf of Karen Lisa Sangster, Allan Wayne Bell, William L. Bell and Donald Robert Bell; Kelly-Ann Benoit on her own behalf; Lisa Marie Benoit-Murrin on her own behalf; Shirley Ann Benoit on her own behalf and on behalf of Nadine Cheryl Benoit; Darlene Pamela Dollimont on her own behalf and on behalf of Cheree Alyi Teresa Dollimont; Marie Anita Doyle and A. Marshall Doyle on their own behalf and on the behalf of R. Allan Doyle, James A. Doyle and Donald P. Doyle; G. Isabael Gillis on her own behalf and on behalf of Christopher Gillis, Ashley Anne Gillis and Daniel A. Gillis; Eileen Gillis and Joe Gillis on their own behalf; Genesta Agatha Holloran on her own behalf and on behalf of Trevor Lawrence Halloran and Nicole Margaret Halloran; Bonnie Atkings on her own behalf and on behalf of Jessie David Atkings and Kristy Erin Jahn; Reta Jahn on her own behalf and on behalf of LarryJahn, Faye Gibos, Marvin Jahn, Norma Bare, Cheryle Trotter, Dana Chodyka, Beverly Toppin and Tracy Jahn; Eleanor C. Lilley on her own behalf and on behalf of Simon P. Lilly; Darren C. Lilley on his own behalf and Stephen P. Lilley on his own behalf; Christopher Cory McIsaac and James Eric McIsaac by their Guardian ad Litem Cheryl LeBlanc; Beverly Mackay on her own behalf and on behalf of Sara Mackay and Janelle Mackay; Marguerite MacNeil on her own behalf and on behalf of Christopher Lee MacDonald, Lisa Marie MacNeil and Shawn Angus MacNeil; Lisa Poplar on her own behalf; Veronica Poplar on her own behalf; Eva Poplar on her own behalf and on behalf and on behalf of Randy Robert Poplar and Nancy Lee McKeigan; Sheila Mae Dykstra on her own behalf and on behalf of Anthony Darren McCallum and Kimberly Leslie McCallum; Shirley Anne Conway on her own behalf and on behalf of Tammy Conway, and Scott Conway; Carolyne Ann Dewan on her own behalf and on behalf of Jennifer Amanda Dewan and Trevor James Dewan;

Plaintiffs

v.

The Attorney General of Canada and The Attorney General of Nova Scotia representing Her Majesty the Queen in the right of the Province of Nova Scotia Her Majesty The Queen

Defendant

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Judge: The Honourable Justice Charles E. Haliburton

Heard: November 21, 2006, in Halifax, Nova Scotia

Written Decision: December 5, 2006

Subject: 1.) Proper content of affidavit.
2.) The Plaintiff asserts that the issue of liability has been settled by agreement. Plaintiff seeks to prove that agreement by Interlocutory Application.

Issues: Should affidavit be struck.
Should Plaintiff be obliged to commence proceeding by Originating Notice (Action) to determine whether or not liability has been settled.

Result: Portions of affidavit struck as irrelevant, argument, hearsay.
“Application” may proceed to determine fact of “agreement” using affidavits and other evidence. To require the Plaintiffs to initiate a new action would not be expeditious or equitable.

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