

SUPREME COURT OF NOVA SCOTIA
Citation: Chapates v. Petro Canada , 2004 NSSC052

Date: 20040302
Docket: S.H. 83869
Registry: Halifax

Between:

Roger and Marlene Chapates

Plaintiffs

- and -

Petro Canada, a body corporate, Bill's Service Station Limited,
a body corporate, John Lewis Siteman and Andrew S. Webber

Defendants

- and -

Graycon Limited

Third Party

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Judge: The Honourable Justice Felix A. Cacchione

Heard: February 11, 2004, 2004 in Halifax

Written Decision: March 2, 2004, 2004

Subject: Conflict of Interest

Summary: Lawyer with firm representing one of the Defendants left the firm and joined another firm. He then began to represent the Plaintiff in the same action.

Issue: Was he in a disqualifying conflict?

Result: No conflict found. Unlike the situation in *Martin v. Gray* the lawyer took no part in the file while at previous law firm and was unaware that his previous firm represented the Defendant. N.S. Bar Society Legal Ethics and Code of Professional Conduct permits a lawyer, who has no actual possession of relevant information which may prejudice a former client, from acting against that former client.

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