

SUPREME COURT OF NOVA SCOTIA
Citation: Windsor v. Adu Poku 2003 NSSC 095

Date: 20030425
Docket: S.P. No. 02726
Registry: Pictou

Between:

Genevieve Windsor

Plaintiff

v.

Dr. Yaw Adu Poku

Defendant

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Judge: The Honourable Justice Douglas L. MacLellan

Last Written Submission: March 5, 2003

Written Decision: April 25, 2003

Subject: Civil Law - Costs and Disbursements

Summary: Plaintiff's action against defendant dismissed at trial. No provisional award of damages made. Defendant claimed costs of \$14,125.00 based on an amount involved of \$325,000.00 and disbursements of \$21,832.00. Plaintiff asked Court to consider her financial circumstances in deciding the appropriate amount of costs and disbursements to award.

Issue: Should the Court consider the plaintiff's financial circumstances in deciding an appropriate amount of costs.

Result: Financial circumstances of plaintiff is relevant in decision to award costs. *Kaye v. Campbell* (1984), 65 N.S.R. (2d) 173 followed. Costs of \$4,800.00 awarded and disbursements of \$5,200.00.

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