

IN THE SUPREME COURT OF NOVA SCOTIA
Citation: [MacDonald v. Mahoney, 2003 NSSC 207]

Date: 20030826
Docket: S.P. No. 194269
Registry: Pictou

Between:

William Angus MacDonald

Plaintiff

v.

Travis Mahoney

Defendant

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Judge: The Honourable Justice Douglas L. MacLellan

Heard: August 26, 2003 (Orally)

Subject: **Civil Law - Application to strike statement of claim.**

Summary: Defendant was plaintiff's supervisor. Plaintiff started action against defendant claiming damages for alleged libel and slander as a result of dealings between them which occurred at workplace. Defendant took position that Collective Agreement covering employees of Canada Post had provision to deal with such disputes and therefore plaintiff should not be entitled to sue.

Issue: Should statement of claim be struck?

Result: Statement of Claim struck. Collective Agreement had adequate provisions to deal with issues between plaintiff and defendant as agent of Canada Post. Court had no jurisdiction to deal with matter. *Weber v. Ontario Hydro* [1995], 125 D.L.R. (4th) 583 applied.

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