

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Cherubini Metal Works Ltd. v. Nova Scotia (Attorney General), 2006 NSSC 181

Date: 20060517

Docket: SH 184701

Registry: Halifax

Between:

Cherubini Metal Works Limited, a body corporate

Plaintiff

v.

The Attorney General of Nova Scotia representing her
Majesty the Queen in Right of the Province of Nova Scotia,
The United Steel Workers of America and The United Steel
Workers of America, Local 4122

Defendants

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Judge: The Honourable Justice C. Richard Coughlan

Heard: May 15, 2006, in Halifax, Nova Scotia

Decision: May 17, 2006 (Orally) (Re: Application to Strike
Notices of Examination)

Written Release: June 15, 2006

Subject: Practice - Discovery - Examination of Members of Administrative Tribunal

Summary: The plaintiff issued Notices of Examination for individuals who were members of the Board of Examiners appointed pursuant to the *Stationary Engineers Act*. The Attorney General applied to have the Notices of Examination struck.

Issue: Should the Notices of Examination be struck?

Result: Notices struck. Once a person for whom discovery is sought establishes he or she is to be examined as a decision maker, the onus then shifts to the person seeking the discovery to establish the proper evidentiary foundation. The proper evidentiary foundation was not established.

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