

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Amherst Fabricators Ltd. v. Nova Scotia (Attorney General), 2002 NSSC 280

Date: 20021223

Docket: SH 184701

Registry: Halifax

Between:

Amherst Fabricators Limited

Plaintiff

and

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

Justice F. B. William Kelly

Halifax, NS

SH 184701

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Judge: The Honourable Justice F. B. William Kelly

Heard: In Halifax, Nova Scotia on December 5, 2002

Written Decision: December 23, 2002

Subject: **Application under Civil Procedure Rule 14.24, response to Demand for Particulars.**

Summary: The Plaintiff Amherst, a steel fabricator, brought an action against the A.G.N.S. and the local and parent union of its workers alleging a conspiracy among them relating to the alleged torts of conspiracy and intentional interference with their economic relations, the effect of which required them to shut down its operations.

The defendant local and parent (the Unions) forwarded a number of Demands for Particulars - some of which was satisfactorily replied to by Amherst. Amherst responded to those two by stating they were an "attempt to secure evidence" and were not proper demands for particulars. The Demands in question were for particulars of "the conduct of [the Unions] by which it conspired to harm and did harm to [Amherst's] interest" and "particulars of the deliberate unlawful conduct of [the Unions]." The Unions applied for an Order requiring further particulars.

The Court reviewed the requirements of both torts and, relying principally on Canada Cement LaFarge Ltd. v. B.C. Lightweight Aggregate Ltd., [1983] 1 S.C.R. 452; 145 D.L.R.(3d) 385, re conspiracy and Cheticamp Fisheries Co-operative Ltd. v. Canada, [1995] N.S.J. No.127 (N.S.C.A.) (QL) re the tort of intentional interference with economic interest. The Court found that the Unions were entitled to have the particulars of the essential elements in both these torts. As an essential element in each of these was not clear or was missing from the Statement of Claim, the Unions were entitled to proper responses. The Court enunciated the demands for particulars that required responses and ordered they be provided.

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