

NOVA SCOTIA COURT OF APPEAL

Citation: Nova Scotia (Attorney General) v. Royal & Sun Alliance Insurance Co. of Canada, 2004 NSCA 150

Date: 20041210

Docket: CA 222063

Registry: Halifax

Between:

The Attorney General of Nova Scotia, representing Her Majesty the Queen in Right of the Province of Nova Scotia

Appellant

v.

Royal & Sun Alliance Insurance Company of Canada, Guardian Insurance Company of Canada, The Halifax Insurance Company, Wellington Insurance Company, General Accident Assurance Company of Canada and Quebec Assurance Company

Respondents

Judge: The Honourable Justice Nancy Bateman

Appeal Heard: December 3, 2004

Subject: Interrogatories - *Civil Procedure Rule 19.04*

Summary: In an action against various insurers for failure to provide a defence to claims against the Province for institutional abuse, the Province sought to have two interrogatories answered. The Interrogatories asked for information from the insurers on what procedure the insurers used to settle past multi-party claims. The insurers refused to answer. The judge, exercising his discretion, dismissed the Province's application to compel answers, finding the questions too broadly worded.

Issue: Did the judge err in declining to compel answers?

Result: Appeal dismissed. While not adopting all of the judge's reasoning,

the Court was not persuaded that in exercising his discretion not to require answers to the interrogatories as worded, the Chambers judge applied wrong principles of law or a patent injustice results from his ruling

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 3 pages.