

**NOVA SCOTIA COURT OF APPEAL**  
**Citation: *March v. Hyndman*, 2010 NSCA 100**

**Date:** 20101209  
**Docket:** CA 326467  
**Registry:** Halifax

**Between:**

Andrew March

Appellant

v.

John Hyndman

Respondent

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**Judge:** The Honourable Justice David Farrar

**Appeal Heard:** November 9, 2010

**Subject:** **Medical Malpractice - Burden of Proof - Instructions to Jury on the meaning of “Balance of Probabilities”**

**Summary:** The appellant appeals from a jury verdict dismissing his action against the respondent. The appellant argued that the trial judge erred in charging the jury on the burden of proof and, in particular, in instructing them that if they were left in a “state of doubt” the appellant had not satisfied the burden of proof.

**Issues:** Whether the trial judge erred in his charge to the jury on the burden of proof.

**Result:** Appeal allowed, the trial judge erred in his charge to the jury, the matter was remitted to the Supreme Court for retrial.

<p><b>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 9 pages.</b></p>
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