

NOVA SCOTIA COURT OF APPEAL

Citation: Armoyan v. Armco Capital Inc., 2011 NSCA 22

Date: 20110217

Registry: Halifax

Between:

Docket: CA 330968

Lisa Armoyan

Appellant on Costs Appeal

v.

Armco Capital Inc.

Respondent on Costs Appeal

And Between:

Docket: CA 326710

Armco Capital Inc.

Appellant/
Respondent by Cross Appeal

v.

Lisa Armoyan

Respondent/
Appellant by Cross Appeal

Judge: The Honourable Justice M. Jill Hamilton

Appeal Heard: January 19, 2011

Subject: Costs

Summary: The judge granted Ms. Armoyan's jurisdiction motion to stay Armco's application (1) for a declaration that she had unlawfully copied the contents of one of its computers and (2) requiring her to return the copy to it. He found Florida was the convenient forum for the determination of the issues surrounding her copying the hard drive, as this issue was bound up in the ongoing divorce proceedings between Ms. Armoyan and her estranged husband, a part owner of Armco. Despite Ms. Armoyan being the successful party, the judge awarded costs and disbursements against her in the amount of \$12,031

because she (1) failed to admit, prior to cross-examination, that she had copied the hard drive and (2) misled the judge dealing with the Florida divorce about the nature of the possible order the Nova Scotia judge could make concerning her copy of the hard drive, when she sought to have the Florida judge take possession of her copy. In addition to her appeal, Ms. Armoyan sought costs in relation to Armco's discontinuance of its appeal of the judge's jurisdiction decision.

Issue: Did the judge err in ordering costs against Ms. Armoyan?
Is she entitled to costs related to Armco's discontinuance of its appeal?

Result: Appeal allowed. The judge erred in principle by ordering costs related to Ms. Armoyan's copying of the hard drive. This issue was not before him on the jurisdiction motion. By virtue of his decision, this issue will be decided in a Florida court after presentation of all of the evidence and argument.
Ms. Armoyan is not entitled to costs related to Armco's discontinuance of its appeal because she discontinued her cross-appeal of the same decision. Each party should bear their own costs of discontinuance.

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 13 pages.