

**SUPREME COURT OF NOVA SCOTIA**  
**Citation:** Gilbert v. Marynowski, 2015 NSSC 6

**Date:** 2015-01-09

**Docket:** Hfx No. 429077 and Hfx No. 434549

**Registry:** Halifax

**Between:**

Robin Gilbert and Dianne Gilbert

Applicants

v.

Bohdan Marynowski and Emily Marynowski

Respondents

Bohdan Marynowski and Emily Marynowski

Applicants

v.

Jan Malone, Bryant Realty Atlantic, Patrick I. Cassidy, Q.C., and Cassidy Nearing  
Berryman

Respondents

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**Judge:** The Honourable Justice James L. Chipman

**Heard:** January 7, 2015, in Halifax, Nova Scotia

**Subject:** Civil Procedure Rules 4, 5, 37 and 55 considered in the context of an adjournment and consolidation motion in respect of an application.

**Summary:** The Respondents in the first application and Applicants in the second application Bohdan and Emily Marynowski sought an adjournment and consolidation.

**Issues:** (1) Was the adjournment warranted?

- (2) Was the consolidation appropriate?
- (3) How should costs be determined?

**Result:**

The motion for an adjournment and consolidation granted but with costs against the successful parties for their failure to have raised the existence of other interested parties during the Motion for Directions.

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