

SUPREME COURT OF NOVA SCOTIA
Citation: Little v. Chignecto, 2004 NSSC 265

Date: 20041216
Docket: S.T. 08691 (216435)
Registry: Truro

Between:

Michael Dewayne Little, an infant represented
by his litigation guardian, Wayne Little

Plaintiff

vs.

Chignecto Central Regional School Board

Defendant

LIBRARY HEADING

Judge: The Honourable Justice Walter R. E. Goodfellow

Heard: October 4 and 5, 2004, in Truro, Nova Scotia
Closing arguments October 6, 2004, in Halifax, Nova Scotia

**Final Written
Submissions:** November 30, 2004

Subject: COSTS

Summary: Schoolyard accident, student injured, held school had safety policy in effect known by staff, students and parents and applied. Student's claim for damages for broken leg dismissed. Counsel unable to agree on costs.

Issue:

1. Which Tariff applies - the Tariff effective January 1, 1989, or the recently approved Tariff of September 29, 2004?
2. What weight should be given to the Plaintiff's offer of settlement?
3. What, if any, adjustment should be made for the disbursement relating to photocopying and travel mileage expense?
4. What is the determination of "amount involved"?

Issue 1 - Cost determination is to be based on the date of commencement of the action and all interlocutory motions/applications are governed by that date. Action commenced April 20, 2000 - 1989 Tariff applies.

Issue 2 - Nil. Plaintiff's admission as to 51% liable fell short as failed to establish any liability on School or School Board.

Issue 3 - Photocopying reduced by 25%. Travel mileage .36 kilometre allowed.

Issue 4 - "Amount involved" equated to probable exposure fixed at \$70,000.00 where liability and damages severed - Scale II.

Result:

Michael Little by his guardian, Wayne Little, ordered to pay costs and disbursements totally \$5,826.62.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***