

NOVA SCOTIA COURT OF APPEAL

Between:

Coltsfoot Publishing Limited

Appellant

v.

Sharon J. Foster-Jacques and Hector J. Jacques

Respondents



ORDER FOR JUDGMENT

REASONS FOR JUDGMENT having been delivered this day by Fichaud, J.A., Saunders and Beveridge JJ.A. concurring;

IT IS ORDERED that the appeal is allowed and the sealing Order of the Supreme Court of Nova Scotia (Family Division) dated November 23, 2011 is overturned.

IT IS FURTHER ORDERED that the Respondents' motions for a sealing Order are dismissed, subject to the following conditions:

1. The Appellant Coltsfoot Publishing Limited ("Coltsfoot") and its employees and agents are prohibited from publishing, disclosing, communicating or using the Respondents': (a) passport numbers, (b) Social Insurance Numbers, (c) Health Card Numbers, (d) driver's licence numbers, (e) credit card numbers, (f) debit card numbers, (g) numbers for bank

accounts, (h) identifying numbers for other investment assets, (i) identifying numbers for debt instruments, (j) identifying numbers for insurance policies, (k) serial or registration numbers for vehicles, (l) dates of birth, (m) names of parents, (n) personal addresses, (o) email addresses, and (p) telephone numbers, that Coltsfoot obtains from the disclosed documents.

2. If either Respondent chooses not to rely on the prohibition in condition 1, then that Respondent may, at his or her own cost, make a copy of their filings with the Supreme Court of Nova Scotia (Family Division) under Rule 59 and redact from that copy the items listed in condition 1 of this Order. Then that redacted copy will be the only material to be provided to Coltsfoot.

3. The Respondents shall have ten days from the date of this Order to notify the Supreme Court (Family Division) and Coltsfoot, through its counsel, whether they choose to utilize the option in condition 2. If either Respondent so chooses, that Respondent shall have until twenty days from the date of this Order to make the copy and perform the redaction, with the assistance of counsel, at his or her own expense.

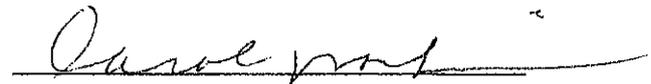
4. Until twenty days from the date of this Order, Coltsfoot shall not be entitled to access any material in the Supreme Court (Family Division)'s file.

5. Twenty days from this Order, if neither Respondent has chosen the option in condition 2, Coltsfoot, at Coltsfoot's expense, will be entitled to access or copy the material filed by the Respondents with the Supreme

6. Twenty days from this order, if either respondent has chosen the option in condition 2, Coltsfoot will be entitled to obtain the redacted copy.

IT IS FURTHER ORDERED that the costs awards of the Supreme Court (Family Division) are overturned and that each Respondent pay to Coltsfoot costs of (1) \$750 for the proceeding in the Supreme Court (Family Division) and (2) a further \$500 for the appeal in the Court of appeal.

DATED at Halifax, Nova Scotia, this 16th day of August, 2012.



Deputy Registrar

Carol Moulaison
Deputy Registrar
Nova Scotia Court of Appeal

**IN THE NOVA SCOTIA
COURT OF APPEAL**

I hereby certify that the foregoing document, identified by the Seal of the Court, is a true copy of the original document on file herein.

Dated the 16th day of August A.D., 2012



Deputy Registrar

Carol Moulaison
Deputy Registrar
Nova Scotia Court of Appeal