

Form 90.06

2021

C.A. No. 507668

Nova Scotia Court of Appeal

Between:

The Canadian Civil Liberties Association

and

The Attorney General of Nova Scotia representing Her Majesty the Queen in Right of the Province of Nova Scotia, the Department of Health and Wellness, and the Chief Medical Officer of Health

and

Freedom Nova Scotia, John Doe(s), Jane Doe(s), Amy Brown, Tasha Everett, and Dena Churchill



Respondents

Respondents

Notice of Appeal (General)

To: Attorney General of Nova Scotia
1690 Hollis St, 8th Floor
PO Box 7
Halifax NS B3J 2L6

John Doe(s)
Addresses unknown

Jane Doe(s)
Addresses unknown

Amy Brown
Address unknown

Tasha Everett
Address unknown

Dena Churchill
Address unknown

Appellant appeals

The appellant appeals from the whole of the judgment dated May 14, 2021, in the proceedings in the Supreme Court of Nova Scotia (Hfx. No. 506040) made by the Honourable Justice Scott Norton.

Order or decision appealed from

The decision was made on May 14, 2021, at Halifax, Nova Scotia.

Grounds of appeal

The grounds of appeal are:

- (1) The judge below erred in granting an injunction order without the Applicants having advanced any common law cause of action, statutory authority, or other right to a remedy;
- (2) The judge below erred in applying the test for an interlocutory injunction to the Applicants' request for a permanent injunction;
- (3) The judge below erred in stating and applying the wrong test for a *quia timet* injunction;
- (4) The judge below erred in granting an injunction order against all Nova Scotians without requiring evidence that such a remedy was needed against all Nova Scotians;
- (5) The judge below erred in granting an injunction order, without considering that the order infringed the *Charter* rights of all Nova Scotians and that this infringement may not be justified in the circumstances; and
- (6) The judge below erred in accepting the evidence of a named Applicant as independent expert evidence, and without compliance with Rule 55 or the common law requirements for independent expert evidence.

Authority for appeal

Judicature Act, RSNS 1989, c 240, s 38

Nova Scotia Civil Procedure Rules, Rules 90.02, 90.04, and 90.06

Order requested

The appellant says that the court should allow the appeal and that the judgment appealed from be reversed and set aside.

Motion for date and directions

The appeal will be heard on a time and date to be set by a judge of the Court of Appeal. The appellant must not more than eighty days after the date this notice is filed, make a motion to a judge of the Court of Appeal to set that time and date and give directions. You will be notified of the motion.

Contact information


The appellant designates the following address:

Nasha Nijhawan / Benjamin Perryman
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Documents delivered to this address will be considered received by the appellant on delivery.
Further contact information is available to each party through the prothonotary.

Signature

Signed September 2, 2021



Signature of counsel

Nasha Nijhawan / Benjamin
Perryman as counsel for the
Appellant

Registrar's Certificate

I certify that this notice of appeal was filed with the court on

September 2, 2021.



Caroline McInnes
Registrar