

IN THE SUPREME COURT OF BRITISH COLUMBIA

Date: 20150116
Docket: M122348
Registry: Vancouver

Between:

Surinder Kaur Dhanoa

Plaintiff

And

Benjamin Anthony Barlow

Defendant

Before: Master MacNaughton

Oral Reasons for Judgment

In Chambers

Counsel for the Plaintiff:

No Appearance

Counsel for the Defendant:

J.V. Marshall

Place and Date of Hearing:

Vancouver, B.C.
January 16, 2015

Place and Date of Judgment:

Vancouver, B.C.
January 16, 2015

[1] **THE COURT:** Dealing with the application under Rule 7-2(26)(c), I am satisfied that the applicant here falls within the definition of “any other person” seeking access to a previous examination for discovery transcript, and I am also satisfied that the applicant has set out special reasons why access should be permitted.

[2] There is significant overlap between the plaintiff’s personal injury claims in the first and second actions, and it appears that there is also overlap with respect to the claims that she makes about the first and second accident’s impact on her ability to work. The discovery transcript from the first accident will shed light on these issues. There is no substantial injustice or detriment that will result.

[3] In these circumstances, the relatively low threshold has been met. So I am prepared to make the order that Coast Reporting shall within 21 days provide to counsel for the defendant a copy of the transcript of the plaintiff’s May 29, 2009 examination in the first action.

[4] **THE COURT:** So what I have added to the draft order that has been handed up is that counsel for the defendant shall pay Coast Reporting its costs for production of the transcript, and I have signed the order.

[Submissions re production of income-related records and particulars]

[5] **THE COURT:** Here is what I propose to do that with respect to that application. I think it should be adjourned. I think you should see what you get from the chartered accountant’s firm. It has had notice of the application and it seems to be going unopposed. In addition, you should see what you get from the plaintiff, because the plaintiff is required to give you documents regarding all of her sources of income. Thereafter, if you still think there is an issue, then you can come back to court on an application. I understand time is tight, but time being tight is not a reason for the court moving away from the very strict requirements with respect to notice on third parties for disclosure.

[6] MS. MARSHALL: With regards to the accountant's file, what's your view in terms of documents related to the numbered company that are the accountant's documents?

[7] THE COURT: Again, I think that has to be adjourned. The accountant cannot disclose documents without authorization by the corporate entity and the corporate entity is not a party.

[8] MS. MARSHALL: That is what I figured.

[9] THE COURT: So I think anything with respect to Don Dhanoa and the number company 616531 B.C. Ltd. has to be adjourned. All right?

[10] MS. MARSHALL: Very well. So I will make modifications to the order that I have drafted and bring it back for Your Honour to endorse if that's all right.

[11] THE COURT: I am her for the day, so if you want to bring that today, that will be fine.

“Master MacNaughton”