

Justice Darlene A. Jamieson  
Supreme Court of Nova Scotia

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## JUDICIAL REVIEW MOTION FOR DIRECTIONS

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**FILE NO.:** HFX 535607

**CASE NAME:** Saint Mary's University v. Nova Scotia Human Rights Commission, Kendra Gould, and Society of Academic Freedom and Scholarship

**DATE:** October 17, 2024

**COUNSEL:** Tara A. Erskine, KC, with Caroline Spindler,  
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Counsel for the Respondent, Nova Scotia Human Rights Commission

**Kendra Gould (Not Present)**  
18 Hunter Lane, 1690 Hollis Street  
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Respondent, Kendra Gould (self represented)

**Robert Thomas, President (Not Present)**  
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Respondent, Society for Academic Freedom and Scholarship  
(self represented)

**Edward Gores, K.C. (Not Present)**  
Counsel for The Attorney General of Nova Scotia  
Email: [edward.gores@novascotia.ca](mailto:edward.gores@novascotia.ca)

**HEARING DATE:** January 28, 2025, at 2 p.m.

**PRELIMINARY MATTERS**

1. Has the Notice for Judicial Review been filed within the time frames set out in CPR 7.05(1)?

**Yes**

2. Does the Notice include the items specified in CPR 7.05(4)? **Yes**

3. Has the applicant provided notice to the required persons under CPR 7.07 (i.e. each respondent and the applicable Attorney General)? **Yes**

4. Has each respondent filed a Notice of Participation in accordance with CPR 7.08?

**No**

- **Nova Scotia Human Rights Commission filed August 23, 2024.**
- **Society for Academic Freedom and Scholarship filed August 23, 2024.**
- **Ms. Gould to file by October 31, 2024 (if intending to participate).**
- **The Attorney General to file by October 31, 2024 (if intending to participate).**

5. Has the decision making authority filed the necessary record, statement or undertaking required by CPR 7.09?

**Record will be filed by NSHRC by no later than November 18, 2024. Mr. Cooke will provide Ms. Erskine with a copy of the index on November 12, 2024.**

6. Has any party who proposes to introduce evidence beyond the record filed the required affidavit describing the proposed evidence and providing evidence in support of the request for introduction (CPR 7.27(1))?

**Not contemplated.**

**Directions:**

1. What materials will comprise the record?

**Counsel agree the record will consist of two parts. Part 1 will be those documents before the decision maker. Part 2 will include those documents relevant to the procedural fairness issue.**

2. Who is responsible for preparing, filing and delivering the record?

**Nova Scotia Human Rights Commission**

3. What format will be used for the production of the record and if in electronic format, does anyone require a paper copy?

**Hard copy.**

4. Are there any issues of privilege or protection of information which needs to be determined?

**None anticipated.**

5. Is any party requesting an amendment to the Notice for Judicial Review or Notice of Participation?

**None anticipated.**

6. Are there any interested person who are not parties and, if so, is it necessary to adjourn the motion until they are made a party? Should they be joined as a respondent?

**No**

7. Are there issues with respect to admissibility of evidence and, if so, when should this be determined?

**No**

8. How will any admissible evidence be introduced (i.e. affidavit, cross-examination or otherwise)?

**N/A as counsel have agreed the usual record will be supplemented with the procedural fairness issue documents.**

9. What are the deadlines for filing of the following:

- (a) the record: **November 18, 2024**
- (b) applicant's brief: **December 11, 2024**
- (c) respondent's brief: **(all respondents) January 3, 2025**
- (d) any reply brief: **January 10, 2025**

10. Is it necessary to have any preliminary motions and, if so, should these be determined by the same judge who will hear the judicial review?

**No**

11. Will there be a motion for permission to introduce new evidence and, if so, will it be at a time other than at the motion for directions (CPR 7.27(3))?

**No**

12. Will there be any other further appearances required in advance of the judicial review, and will they be in Chambers, in conference, or at Appearance Day?

**No**

13. How much time will be required for the hearing of the judicial review, and what is the date, time and place for the hearing?

**Half day (January 28, 2025, at 2 p.m.)**

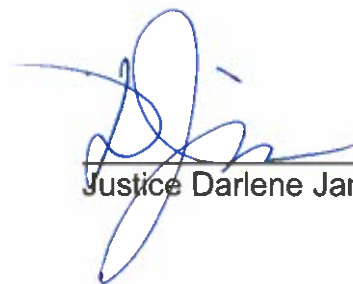
14. Are there any other directions required?

**Ms. Erskine will take steps to advise The Attorney General and Society for Academic Freedom and Scholarship the Motion for Directions took place and the deadlines set.**

**Mr. Cooke will do the same with respect to Ms. Gould.**

15. Does any Supreme Court Judge have a conflict that would prevent him/her from hearing this review?

**No**



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Justice Darlene Jamieson