

HOW TO DISCONTINUE A PROCEEDING BEFORE THE SUPREME COURT OF NOVA SCOTIA

1. A party who starts a proceeding in the Supreme Court may discontinue the proceeding before the day of the trial readiness conference by filing a Notice of Discontinuance (Form 9.02).
2. A party who starts an application, a proceeding for judicial review, or an appeal, may discontinue the proceeding before the day of the hearing by filing a Notice of Discontinuance (Form 9.02).
3. The Notice of Discontinuance must contain the standard heading, be titled “Notice of Discontinuance”, be dated and signed and include the words that the party discontinues the proceeding.
4. If the proceeding is an action, the notice of discontinuance must also include a statement that a counterclaim, crossclaim or third party claim in the discontinued proceeding is also discontinued unless the party who made the claim files a notice continuing the proceeding for the purpose of the counterclaim, crossclaim or third party claim within ten (10) days after the plaintiff delivers the Notice of Discontinuance.
5. You must file the original and a copy for each party named in the proceeding. The Court will keep the original and return your copies so that all parties named in the proceeding can be served a copy of the Notice of Discontinuance.
6. There is no court filing fee required.