



August 12, 2020

VIA COURIER

Court Administration
Supreme Court of Nova Scotia
1815 Upper Water St
Halifax, NS B3J 1S7

Dear Sir/Madam:

RE: Banfield v. Public Trustee, Hfx-499768

I represent the plaintiff in the above-noted matter. I am enclosing the original and two copies of a Notice of Action and Statement of Claim as well as the required filing fee in the amount of \$246.80.

If the documents are in order, I would ask that they be issued and that the extra copies be returned to our firm's bin in the Court Administration Office.

Thank you.

Yours truly,
WELDON McINNIS

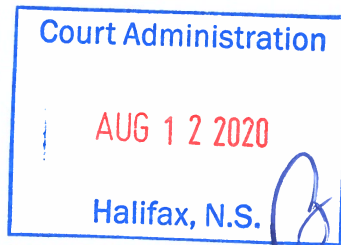
Peter R.

Peter Rumscheidt
902.446.0573
prumscheidt@weldonmcinnis.ca
PR/lm

Encl.



2020



Hfx. No. 499768

Supreme Court of Nova Scotia

Between:

Lisa Banfield

Plaintiff

-and-

**The Office of the Public Trustee in its capacity as the Administrator of the
Estate of the late Gabriel Wortman**

Defendant

Notice of Action

To: The Office of the Public Trustee

Action has been started against you

The plaintiff takes action against you.

The plaintiff started the action by filing this notice with the court on the date certified by the prothonotary.

The plaintiff claims the relief described in the attached statement of claim. The claim is based on the grounds stated in the statement of claim.

Deadline for defending the action

To defend the action, you or your counsel must file a notice of defence with the court no more than the following number of days after the day this notice of action is delivered to you:

- " 15 days if delivery is made in Nova Scotia
- " 30 days if delivery is made elsewhere in Canada
- " 45 days if delivery is made anywhere else.

Judgment against you if you do not defend

The court may grant an order for the relief claimed without further notice, unless you file the notice of defence before the deadline.



You may demand notice of steps in the action

If you do not have a defence to the claim or you do not choose to defend it you may, if you wish to have further notice, file a demand for notice.

If you file a demand for notice, the plaintiffs must notify you before obtaining an order for the relief claimed and, unless the court orders otherwise, you will be entitled to notice of each other step in the action.

Rule 57 - Action for Damages Under \$150,000

Civil Procedure Rule 57 limits pretrial and trial procedures in a defended action so it will be more economical. The Rule applies if the plaintiffs state the action is within the Rule. Otherwise, the Rule does not apply, except as a possible basis for costs against the plaintiffs.

This action is not within Rule 57.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary, c/o The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia B3J 1S7, Phone: 902.424.6900.

When you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an ex parte motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The plaintiff designates the following address:

c/o Peter Rumscheidt
Weldon McInnis
118 Ochterloney Street
Dartmouth, NS B2Y 1C7
Phone: 902.446.0573


Documents delivered to this address are considered received by the plaintiff on delivery. Further contact information is available from the prothonotary.

Proposed place of trial

The plaintiffs propose that, if you defend this action, the trial will be held in Halifax, Nova Scotia.

Signature

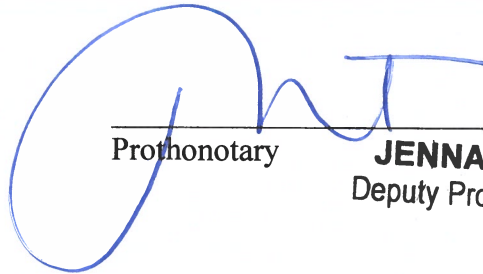
Signed: August 12, 2020



Peter C. Rumscheidt
Weldon McInnis
118 Ochterloney Street
Dartmouth, NS B2Y 1C7
Phone: 902.446.0573
Fax: 902.463.4452

Prothonotary's certificate

I certify that this notice of action, including the attached statement of claim, was filed with the court on *August 12*, 2020.



Prothonotary

JENNA BENT
Deputy Prothonotary

STATEMENT OF CLAIM

1. The Plaintiff is a resident of the Halifax Regional Municipality.
2. The Defendant is a corporation sole established pursuant to the provisions of the *Public Trustee Act*, R.S.N.S. 1989, c.379, as amended.
3. By grant of administration issued by the Court of Probate for Nova Scotia on June 11, 2020, the Defendant was granted administration of the Estate of Gabriel Wortman ("Mr. Wortman").
4. The Plaintiff states that she and Mr. Wortman were in a common-law relationship over the course of many years through to and including April 19, 2020.
5. The Plaintiff states that Mr. Wortman died on the morning of April 19, 2020.
6. The Plaintiff states that on April 18, 2020 she and Mr. Wortman were together at property located at Portapique, Nova Scotia. The property was in the name of Mr. Wortman.
7. The Plaintiff states that on April 18, 2020 the Plaintiff was the victim of an assault and battery perpetrated against her by Mr. Wortman.
8. The Plaintiff states that on April 18, 2020, she was falsely imprisoned by Mr. Wortman.
9. The Plaintiff states that as a result of the actions of Mr. Wortman, she has suffered physical, emotional and psychological injuries and trauma.
10. The Plaintiff repeats the foregoing and claims against the Defendant for the following:
 - a. Assault;
 - b. Battery;
 - c. False imprisonment; and
 - d. Intentional infliction of mental suffering.
11. The Plaintiff pleads and relies upon the provisions of the *Survival of Actions Act*, R.S.N.S., 1989, c.452.

SIGNED: August 12, 2020



Peter C. Rumscheidt
Weldon McInnis
118 Ochterloney Street
Dartmouth, NS B2Y 1C7
Phone: 902.446.0573
Fax: 902.463.4452