

SUPREME COURT OF NOVA SCOTIA
SEPTEMBER 14, 2012
PAGE 2 OF 3

are accepted by the returning officer they cannot subsequently be rejected, and alternatively that the returning officer was prevented from declaring Ms. Jones disqualified on account of the returning officer's having represented otherwise to her.

The election is to be held on October 20, 2012. The campaigns are on now. The voting public will not perceive the difference between a former candidate who has been found to be disqualified, on the one hand, and a present candidate who has illegally been declared disqualified and who challenges the legality of that declaration, on the other hand. Meanwhile the Jones campaign's ability to function remains impaired.

I intend to file a Notice for Judicial Review of the returning officer's decision to revisit her having accepted the nomination papers and to change her mind and purport to disqualify Ms. Jones. I need to have the motion for directions heard on an emergency basis – as soon as practicable, given that the election is ongoing. At the motion for directions, I intend to ask the court to impose very tight timeframes for the preparation and filing of the record, affidavits and briefs, and for a quick hearing.

I intend that the municipality be the only one respondent to the Notice of Motion. I am notifying the municipality of this proceeding by copying this correspondence to the legal department for the municipality. Given that Ms. Jones is a lawyer within that department, I suspect that the municipality will appoint outside counsel in this proceeding. I will keep the court informed as to who is appointed counsel as I become aware myself.

I do not intend to bring this motion *ex parte*.

I do not intend to bring evidence on this motion. This is a motion for directions in a judicial review. Evidence is not normally called in such motions. I do not have a time, therefore, when we will be ready to file an affidavit.

The rules applicable to the motion for directions are Rule 7.05(2), (3), (4)(l) & (n), 7.06 & 7.10.