

Peepeetch Sr v Madsen, 2018 SKQB 165 (CanLII)

Summary by Jeremy Syrtash*

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Saskatchewan Health Authority: Evert Van Olst, Q.C.

An application by the plaintiff to add three nurses to his medical malpractice action.

These three nurses provided care to the plaintiff following a fight at a bar. While the plaintiff conceded that the defendant Hospital was vicariously liable for the conduct of its employee nurses, he wanted to opportunity to examine these nurses prior to the examinations of the hospital representative for strategic purposes.

In dismissing the plaintiff's application, the Court found that defendants should not be added to an action simply for the purposes of obtaining discovery evidence. Moreover, the plaintiff would be able to question the three nurses only after it was satisfied that the plaintiff was unable to obtain such information from the Hospital Representative.

This is an important case for plaintiffs' counsel to think about when determining who to include in a claim prior to issuance.