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DAMAGES FOR PERSONAL INJURY AND DEATH — DIGEST SERVICE

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This service provides the most comprehensive and up-to-date collection of court decisions in which damages for personal injury or death have been awarded. It keeps subscribers abreast of the latest quantum of damages judgments and provides a wealth of cases upon which the researcher may draw.

What's New in this Update

This release features new and updated case digests in the following categories: § 2 Most Severe Injuries — Paraplegia; § 5 Most Severe Injuries — Other Cases; § 6 Multiple Injuries; § 7 Head — General; § 8 Head — Brain and Skull; § 9 Head — Jaw; § 16B Skin — Scars and Lacerations — Torso and Limbs; § 19 Senses — Sight; § 24 Spine — Neck; § 25 Spine — Spine Below Neck; § 26 Spine — Whiplash; § 27 Body — External and Internal — Shoulder and Collar Bone; § 28 Body — External and Internal — Back; § 28A Body — External and Internal — Lower Back; § 30 Body — External and Internal — Pelvis; § 31 Body — External and Internal — Hip; § 32 Body — External and Internal — Thoracic Cavity; § 33 Body — External and Internal — Abdominal Cavity; § 34 Body — External and Internal — Reproductive Organs; § 36 Arms — Whole Arm; § 38 Arms — Elbow; § 40 Arms — Wrist; § 41 Arms — Hand; § 42 Arms — Fingers and Thumbs; § 45 Legs — Thigh; § 46 Legs — Knee; § 47 Legs — Lower Leg; § 48 Legs — Ankle; § 49 Legs — Foot; § 52 Miscellaneous Conditions — Pre-existing Disability or Condition; § 53 Miscellaneous Conditions —

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traumatic Neurosis; § 53A Miscellaneous Conditions — Depression; § 53B Miscellaneous Conditions — Chronic Pain Syndrome; § 54A Miscellaneous Conditions — Loss of Care, Guidance and Companionship; § 56 Pain and Suffering in Minor Cases; and § 69 Other — Sexual Offences.

Case Law Highlights

Plaintiff, a 26-year-old concrete worker, suffered injuries as a result of a workplace incident. One of four stabilizing legs on a concrete truck collapsed without warning, causing the truck to cantilever, and causing a large boom to fall onto plaintiff and another worker. The other worker was killed, and plaintiff suffered catastrophic injuries that resulted in him spending several months in hospital and requiring multiple surgeries, after which he had an extended stay at a physical rehabilitation facility, not returning home until 7 months after the incident. Plaintiff's injuries included two fractured cervical vertebrae with an incomplete cervical spinal cord injury; five fractured thoracic vertebrae including three with "burst" fractures and fragments of bone projecting into his spinal canal; a fractured sternum; 12 fractured ribs; lacerations to his liver, spleen, and left kidney; damage to both lungs; a fractured right femur; multiple fractures and a dislocation of his right ankle; torn ligaments along his spine; a torn carotid artery; extensive blood loss requiring a significant transfusion; and a complete thoracic spinal cord injury that rendered plaintiff paraplegic and wheelchair bound for life. Plaintiff suffered from neuropathic pain that he described as akin to intense burning sensations across his stomach, groin, buttocks, and legs. He lost all ability to use his abdominal muscles, and requires assistance for almost all routine activities. He had significant ongoing issues with bladder and bowel control. He also has ongoing issues with sexual function. He was diagnosed as suffering from depression and anxiety. He was left permanently unemployable. He was left enduring almost constant chronic pain, as well as episodic acute pain. His family life was significantly impacted. His catastrophic injuries warranted an award at the rough upper limit. Tammen J. awarded plaintiff general damages in the amount of \$400,000, as well as \$3,127,055 for loss of future earning capacity, \$300,000 for loss of housekeeping capacity, and \$9,677,916 for cost of future care.

Alvarado v. KCP Heavy Industries Co. Ltd.

2022 CarswellBC 2594

Plaintiff, a 46-year-old foster parent, suffered injuries when defendant struck plaintiff's stopped motorcycle from behind, causing the motorcycle to fall to the ground with plaintiff on it. Plaintiff suffered multiple fractures including a severe right shoulder fracture dislocation, a severe split depression fracture of the left lateral tibial plateau (knee), a right wrist fracture with the distal radius broken into a number of pieces, and a serious left elbow fracture dislocation. He underwent four surgical procedures to repair each fracture. Following surgery, he was admitted to the intensive care unit for respiratory failure caused by a pulmonary embolism. In hospital plaintiff began experiencing night terrors, with plaintiff waking up screaming, not knowing what happened, and with difficulty breathing. By one-year post-collision, plaintiff's left wrist and hand injury was causing him the most grief, with numbness and difficulty picking up objects. Plaintiff also developed anger issues which resulted in the loss of many

friends. He was left with persistent chronic pain. He suffered significant psychiatric issues, with nightmares, flashbacks, unexpected changes in mood, personality changes, depression, mood swings, severe anxiety, memory problems, and insomnia that were frustrating and unmanageable for plaintiff. The overall prognosis with respect to plaintiff's orthopedic injuries was poor, and he was not expected to improve. He will likely require knee surgery in 8-10 years as well as possible surgical intervention for his right shoulder and left elbow. Brundrett J. awarded plaintiff general damages in the amount of \$225,000 (as agreed by the parties), as well as \$946,000 for loss of future earning capacity, and \$380,000 for cost of future care.

Harder v. Handaja
2022 CarswellBC 2479

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