Publisher's Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. *Distribution List*
☐
☐
☐
☐

DAMAGES FOR PERSONAL INJURY AND DEATH — DIGEST SERVICE

Anthony Duncan, B.A., LL.B. and Adèle Turgeon, B.A., LL.L.

Release No. 1, December 2025

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 sections: § 6 Multiple Injuries; Head – § 7 General, § 8 Brain and Skull, § 13 Nose; Skin – § 16A Scars and Lacerations: Face and Head, § 16B Scars and Lacerations: Torso and Limbs; Senses – § 23 Balance; Spine – § 24 Neck, § 25 Spine Below Neck, § 26 Whiplash; VII Body - External and Internal – § 27 Shoulder and Collar Bone, § 28 Back; Arms – § 40 Wrist; Legs – § 46 Knee, § 47 Lower Leg, § 48 Ankle; Miscellaneous Conditions – § 52 Pre-Existing Disability or Condition, § 53 Traumatic Neurosis, § 53A Depression, § 53B Chronic Pain Syndrome, § 54A Loss of Care, Guidance and Companionship; Fatal Injuries – § 57 Husband, § 64 Son, § 66 Brother or Sister, § 68 Grandchild.

Thomson Reuters®

Customer Support
1-416-609-3800 (Toronto & International)
1-800-387-5164 (Toll Free Canada & U.S.)
E-mail CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

Case Law Highlights

Plaintiff, aged 25, suffered injuries when oncoming defendant accelerated through an amber light and struck plaintiff's left-turning vehicle. Immediately following the collision, plaintiff's left hand was splinted, her left knee was bandaged, and she complained of blurred vision and sensitivity to loud noises and bright lights. She suffered soft tissue injuries to her neck, shoulders, and back that became chronic and functionally limiting. Pain in her jaw radiated into her right arm, right hand, and right leg. She suffered headaches, and was diagnosed with post traumatic stress disorder, anxiety, major depressive disorder, and had on occasion experienced suicidal ideations. Following a severe panic attack, she was treated in hospital. She described feeling useless, hopeless, and feeling like there was no point in living. She had cognitive and concentration problems as well as problems with multitasking and memory. She had low energy and fatigue that made it difficult to focus on the many tasks she participated in prior to the collision. She experienced flashbacks of the collision. She was self-conscious about weight gain since the collision. Her right hand and wrist continued to be painful. She made several attempts to continue her eyelash business, but found it impossible. The pain in her shoulder, neck, and back was significant, and the plaintiff found she was unable to maintain the body positioning for the length of time required to apply the eyelashes. As a result, she ceased this business entirely. Her injuries were very significant, and she would likely suffer with significant ongoing physical and psychological injuries for the rest of her life. While there was very low chance of meaningful recovery, plaintiff's condition would likely continue on a chronic basis. Defendant failed to establish that plaintiff failed to mitigate her damages. Ball J. awarded plaintiff general damages in the amount of $225,000, as well as $2,200,000 for loss of future earning capacity, and $421,352 for cost of future care.

Cheema v. Pandha, 2025 CarswellBC 1198 (B.C. S.C.)

Plaintiff girlfriend aged 18, suffered damages as the result of the death of her boyfriend. Deceased was an 18-year-old student who had a severe peanut allergy. He went into anaphylactic shock after ingesting a sandwich that contained peanuts. His condition deteriorated in the ambulance and as a result of the delay in arriving to the ER. He did not receive the care he needed for at least 19 minutes. He suffered a heart attack. Deceased and plaintiff who were in love, had been dating for several weeks and talked of their future together. Plaintiff was there when the ambulance arrived and with him in hospital. She witnessed all the events leading to deceased's death, including his agony. She was devastated. Plaintiff suffered nightmares, anguish and despair for which she received psychological and psychiatric help. At trial, eight years after the incident, plaintiff was in a new relationship and now had a young child. She still suffered some psychological trauma related to deceased's death. Prior to reducing the award by 10% due to deceased's contributory negligence, Jeffrey Edwards J.C.S. assessed non-pecuniary damages in the amount of $25,000.

McFarland c. Urgences-Santé, 2025 CarswellQue 10787 (C.S. Que.)

In Memoriam

Immanuel Goldsmith, Q.C.
July 5th, 2003

A Life Fully Lived

Admitted first to the Bar (Middle Temple) in Britain in 1950, Mr. Goldsmith joined the Ontario Bar in 1960. A prominent practitioner, Mr. Goldsmith appeared regularly before the Federal Court of Appeal and the Supreme Court of Canada. Mr. Goldsmith also authored several works on intellectual property and construction law in addition to ***Goldsmith's Damages for Personal Injury and Death***, which Thomson Reuters Canada has had the privilege to publish.

In addition to his distinguished legal career, Mr. Goldsmith was a talented musician, soldier, and prisoner of war. He was a devoted husband to his wife Elise, father to Penny, Jonathan, and Rosalind, and grandfather to Thula and Aidan.

Mr. Goldsmith is fondly remembered by Thomson Reuters Canada for his civility, kindness, good cheer and wit.

Goldsmith's Damages for Personal Injury and Death remains the most comprehensive and current collection of court decisions where damages for personal injury or death have been awarded. In publishing this valuable service, Thomson Reuters Canada continually strives to maintain the high standards set by Mr. Goldsmith.