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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 sections: Head — § 7 General, § 8 Brain and Skull, § 9 Jaw; Skin — § 16B Scars and Lacerations: Torso and Limbs; Spine — § 24 Neck, § 25 Spine Below Neck, § 26 Whiplash; Body – External and Internal — § 27 Shoulder and Collar Bone, § 28 Back, § 28A Lower Back, § 34 Reproductive Organs; Arms — § 40 Wrist; Legs — § 48 Ankle; Miscellaneous Conditions — § 52 Pre-Existing Disability or Condition, § 53 Traumatic Neurosis, § 53A Depression, § 53B Chronic Pain Syndrome and Other — § 69 Sexual Offences.

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Case Law Highlights

Plaintiff, a 35-year-old owner and operator of a gas station, suffered injuries when his vehicle was struck from behind by a vehicle which had been struck from behind by defendant's vehicle. Soon after the collision plaintiff complained of pain in his neck, wrist, ankle, left elbow, and left forearm. He also recalled suffering from a significant headache which caused him to feel dizzy and nauseated. Since the collision plaintiff complained of ongoing headaches, as well as chronic myofascial pain syndrome in his neck, shoulder area, and upper back. He was diagnosed as suffering from post-traumatic headaches that were permanently aggravated by a condition known as central sensitization. Plaintiff's headaches in particular were reported have ongoing impact on plaintiff's functioning. Plaintiff's quality and enjoyment of life was significantly and likely permanently impaired. Wilkinson J. awarded plaintiff general damages in the amount of \$130,000, as well as \$115,046 for cost of future care.

Dadwan v. Kim, 2023 CarswellBC 3249 (B.C. S.C.)

Plaintiff, a sales representative, suffered injuries as a result of assault. Plaintiff volunteered to referee a soccer game. Towards the end of the game, he attributed a goal to one of the teams. This led to discord and frustration among the defendants who were on the other team. While plaintiff was waiting for his friends in a parking lot, the angry defendants approached him and kicked, assaulted, and punched him. When he was on the ground, one of the defendants whipped him with a belt and threatened him with a knife. The arrival of police put an end to the assault. Plaintiff was taken to hospital by ambulance and for the three days he vomited incessantly. Four of five of the defendants were convicted in Criminal Court. Plaintiff suffered a cervical and dorsal sprain, multiple contusions, a slight concussion, and symptoms of post-traumatic stress syndrome. He had a lengthy physical and psychological recovery. Plaintiff's concussion related permanent disability was 2% whereas disability attributable to PTSD was fixed at 15%. He also suffered from isolation, sadness, and loss of confidence. Plaintiff could not be among strangers, could not go out alone at night, and could not concentrate for more than 30 minutes at a time. Gabrielle Brochu J.C.S. awarded non-pecuniary damages in the amount of \$90,000.

B. B. c. Ghamri, 2024 CarswellQue 17336 (C.S. Que.)

Plaintiff, aged 46, suffered injuries as a result of a motor vehicle collision. Plaintiff was an unreliable and non-credible witness, both in court and as to what he told his medical experts. Plaintiff suffered minor whiplash-type soft tissue injuries to his neck and upper back. Those injuries were resolved within 6 months of the collision. His claims for loss of future earning capacity were dismissed. Myers (E.M.) J. awarded plaintiff general damages in the amount of \$60,000.

Shebat v. Zhang, 2024 CarswellBC 2195 (B.C. S.C.)