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THE OATLEY-McLEISH GUIDE TO PERSONAL INJURY PRACTICE IN MOTOR VEHICLE CASES

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This service provides the essential step-by-step guidance to effectively manage the complexities of Ontario's no-fault insurance system. There are over one hundred chapters provide everything you need including: Interviewing the client, to taking control of the case, Investigating liability, Commencing the action and formulating liability and damages, preparing your client for discovery, to the examination for discovery of the plaintiff, preparing for Trial, accident Benefits in Ontario, negotiation and settlement and opening and closing statements. Expert tips and techniques help you gain the knowledge and confidence you need to address all your client's personal injury concerns. This service also provides a quantum table assists in assessing what your claim is worth and easy-to-customize sample letters and forms, case law dealing with the interpretation of the legislation and appendices.

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What's New in this Update:

This release includes all relevant updates to the personal injury quantum table over the past year. The cases included are drawn from relevant trial and appeal decisions of all Canadian courts where a quantum has been specified in the last 8 years.

Highlights:

- **MILD TO MODERATE BRAIN INJURIES**—52 years old. Pedestrian struck by vehicle; several preexisting conditions; severe and devastating brain injury, fractures to two ribs, hemorrhage of right lower kidney and internal bleeding, bleeding into brain, bilateral small acute subdural hematomas, diffuse swelling of entire brain, right orbital fractures, broken nose, broken jaw, bilateral jaw dislocation, fractured fibula, lacerated elbow, possible lung collapse or pneumonia; memory impairment, word finding difficulties, mental fatigue, easily frustrated, easily influenced and vulnerable, lacked insight; not mentally competent to testify; severe and devastating injuries; personality change; injuries were permanent. The Court of Appeal allowed defendant's appeal in part, reducing some items of cost of future care, with the amounts to be calculated. FUTURE LOSS OF EARNINGS: \$20,000.00. FUTURE CARE COSTS: To be calculated. GENERAL/NON-PECUNIARY DAMAGES: \$388,177.00. *McGuigan Estate v. Pevach*, 2024 CarswellBC 737 (B.C. C.A.).
- **SERIOUS BRAIN INJURIES**—54-year-old lawyer. Bicyclist struck by vehicle; fell, hitting pavement with chin and the forehead portion of her helmet; mild traumatic brain injury, chronic migraine headaches, with persisting symptoms; severe headache-associated disability; post-traumatic headaches with migraine and post-concussive syndrome with associated cognitive difficulties; stopped working as a lawyer; symptoms not expected to resolve. Court of appeal allowing defendants' appeals of awards for past wage loss and loss of future earning capacity, with amounts to be calculated. FUTURE LOSS OF EARNINGS: To be calculated. FUTURE CARE COSTS: To be calculated. GENERAL/NON-PECUNIARY DAMAGES: \$250,000.00: *Sanson v. Paterson*, 2023 CarswellOnt 20168 (Ont. C.A.).
- **CHRONIC PAIN SYNDROME**—39-year-old grocery store and Starbucks employee. Struck from behind; soft tissue injuries to neck, shoulder area, lower back; headaches, nausea, blurred vision, memory difficulties, sleeping difficulties, burning pain in hips and buttocks, tingling and spasms down legs; ongoing anxiety, including driving anxiety; brain injury, if any, was mild and had resolved; collision had a significant impact on plaintiff, and symptoms continued on chronic basis despite the passage of time and extensive and ongoing treatment; condition was unlikely to improve. Court of Appeal dismissed defendant's appeal of

award for loss of future earning capacity. FUTURE LOSS OF EARNINGS: \$450,000.00. FUTURE CARE COSTS: \$25,000.00. GENERAL/NON-PECUNIARY DAMAGES: \$125,000.00. *Keller v. Sparks*, 2023 CarswellBC 1198 (B.C. C.A.).

- **PSYCHOLOGICAL INJURIES**—19 years old. Struck from behind; soft tissue injuries to back; back pain triggered psychological issues including anxiety and depression, panic disorder; fibromyalgia and chronic back pain; symptoms persisted with only modest relief until approximately four years after the collision when they began to ease, and she felt physically able to return to work and to schooling; chronic back pain likely to continue for the foreseeable future. The Court of Appeal allowed plaintiff's appeal, and increased the award for loss of future earning capacity. FUTURE LOSS OF EARNINGS: \$450,000.00. FUTURE CARE COSTS: \$20,000.00. GENERAL/NON-PECUNIARY DAMAGES: \$100,000.00. *McHatten v. Insurance Corporation of British Columbia*, 2023 CarswellBC 1948 (B.C. C.A.).