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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 provides a special defamation-focused update, with updates to § 53. Traumatic Neurosis and § 56. Pain and Suffering in Minor Cases. The featured highlight is *Clancy v. Farid*, 2023 CarswellOnt 10139 (Ont. S.C.J.), a significant Ontario decision arising from a targeted online campaign against 53 plaintiffs.

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Case Law Highlights

Plaintiff, an employment recruiter with Oracle, was one of 53 plaintiffs that suffered damages as a result of defamation through a targeted campaign of cyber harassment, cyber stalking, and cyber defamation by defendant, ultimately resulting in tens of thousands of postings about them on the internet depicting them as sexual predators, fraudsters, and criminals, among other things. Fifty-two of the plaintiffs were involved in the recruitment process for jobs that defendant applied to. Plaintiff's ability to make a living was dependent upon his ability to attract top candidates. Potential candidates may "google" his name and discover the postings, which may impact their decision on whether to apply for positions. There were over 175 postings made regarding plaintiff, including defamatory statements describing plaintiff as a pedophile, rapist, sexual deviant, sexual predator, online predator, bad recruiter, bigot, homophobe, xenophobe, and/or member of the Klu Klux Klan. Other posts describe plaintiff as being engaged in criminal acts, engaging in sex with underage persons, and being a source of embarrassment to his employer. The postings not only impacted his effectiveness and ability to make a living but also caused him significant mental anguish and embarrassment, warranting aggravated damages. Defendant's actions were malicious, vindictive, high-handed, and reprehensible, and were intended to cause harm to plaintiff, warranting punitive damages. A.P. Ramsay J. awarded plaintiff general damages in the amount of \$90,000, as well as \$1,500 aggravated damages, and \$9,000 punitive damages.

Clancy v. Farid, 2023 CarswellOnt 10139 (Ont. S.C.J.)