COMPENDIUM OF DAMAGES AWARDED IN PERSONAL INJURY ACTIONS ACROSS ONTARIO

JANUARY 1999-OCTOBER 2017

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HEAD

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Dusk	Malone	S.C.J.: 1999 October 19 Ont. C.A.: 2002, January 16	S.C.J.: [1999] O.J. No. 3917 Ont. C.A.: [2003] O.J. No. 44; (2003) 167 O.A.C. 333	Ont. C.A. affirming S.C.J. (Toronto, Ontario)	S.C.J.: Brennan J. Ont. C.A.: O'Connor, Catzman, Weiler JJ.A.	2 Male	Plaintiff 1: $75,000.00 Plaintiff 2: 40,000.00	*Family Law Act Claim*: Wife: $5,000.00	Tightness in parts of neck. Pain in chest & back. Restricted neck movement. Facial injury. Requiring plastic surgery. Broken teeth. Knee lacerations requiring sutures. 85% improved 3 years after accident. Whiplash to cervical and lumbar spine. Degenerative disc disease. Numbness and tingling of hands. Spasms. Anxiety. Loss of confidence. Memory loss. Largely recovered 11 years later.
Scott	Chapnick	2000	[2000] O.J. No. 412	Ont. C.A., affirmed trial decision	Finlayson, Labrosse, Goudge JJ.A.	Female 48 years	$20,000.00 (provisionally)		Cosmetic surgeon damaged nerve in face during implant procedure 15 years earlier. Persistent symptoms of numbness and pain.
Hernandez	Fernandez	2000 May 18	[2000] O.J. No. 1756 [2000] O.T.C. 357	S.C.J. Toronto, Ontario	Matlow J.	Female 39 years	$100,000.00		Comminuted fracture of left femur. Bilateral ankle fractures. Laceration to forehead. Numbness and tingling in left leg. Scars on left leg, forehead and ankles.
Reed	University of Toronto	2000 September 13	[2000] O.J. No. 3388	Ont. C.A.	Laskin, Goudge, Feldman JJ.A.	Female 69 years	$18,000.00		Injuries to mouth and head from sidewalk fall. Dental repair work lasted 1 year. Headaches, residual pain, nightmares.

General									
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Dryden (Litigation Guardian of)	Campbell Estate	2001 February 28	[2001] O.J. No. 829; (2001), 11 M.V.R. (4th) 247; (2001), O.T.C. 143	S.C.J. Hamilton, Ontario	Cavarzan J.	Male 13 years	$250,000.00	*Future loss of earnings*: $841,054.00 *Family Law Act claims*: Parents - $50,000.00 each *Family Law Act claims* 2 sisters - $15,000.00 each *Family Law Act claims* Grandfather - $1,500.00	Student. Depressed fracture of skull, subdural hematoma, broken facial bones, injured left eye, fractured left femur. Diabetes insipidus. 24 hour supervision. Unlikely to be competitively employable. Numerous other expenses reimbursed.
Coulter	Liberty Mutual Insurance Co.	2003	2003 CarswellOnt 1874 [2003] O.J. No. 2008	S.C.J.	Archibald	Female	$45,000.00 (first MVA) (provisionally) $8,500.00 (second MVA)	*Family Law Act*: Husband- $5,500.00	frequent urinary tract symptoms and infections caused by bruising to abdomen (urethral stenosis), also soft tissue injury to knee, neck and shoulder area – soft tissue injury resolved after first collision urination problem persist – second collision not affect urinary function; low back, left knee, shoulder neck and headaches –low speed impact

General									
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Walker	Ritchie	2003 January 3	[2003] O.J. No. 18, [2003] O.T.C. 3	S.C.J. Sarnia, Ontario	Brockenshire J.	Female 17 years	$250,000.00	*Loss of interdependent relationship*: $125,000.00 *Future loss of earnings*: $1,421,225 *Family Law Act Claims*: Mother - $65,000.00 *Family Law Act Claims* Father - $50,000.00 *Family Law Act Claims* 3 sisters - $15,000.00 each	Severe traumatic brain damage. 6 week coma. 6 month amnesia. Severe motor disability. Fracture of right ulna, proximal phalanx of left middle finger, small osteochondral chip of bone anteriorly in left ankle. Lacerations of right forehead & right shoulder. Facial droop, dysarthric speech, jerky eye, slow arm movement. Neurologic effect worsens with time. Unable to retain competitive employment.
Lauricella	Hamilton (City)	2003 January 17	[2003] O. J. No. 664; (2003), 35 M.P.L.R. (3d) 183	S.C.J. Simcoe, Ontario	Lofchik J.	Female 18 years	$100,000.00	*Future psychological care*: $8,000.00 *Extra cosmetics & treatment*: $14,500.00 *Teeth veneering*: $500.00 *Family Law Act Claim*: Mother - $15,000.00	Extensive facial injury & lacerations falling off bicycle. Fractured nose. Pulled back appearance. Permanent obstruction of airway. Extensive damage to teeth. Depression. Post-traumatic stress disorder. Low self-esteem. Negative self-image. Four surgeries to repair nose and revise scars. Reduction of damages by 50% damages due to Plaintiffs contributory negligence. Family Law Act is also reduced 50%.

General									
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Mizzi	Hopkins	2003 May 7, upheld trial decision: Dec. 27/01, Coo J.	[2003] O. J. No. 1671	Ont. C.A.	Borins, Cronk, Armstrong JJ.A.	Female	$30,000.00	*Past loss of income*: $48,000.00	Jury verdict upheld despite trial judge not instructing jury properly re contributory negligence. Motor vehicle accident. Mild brain injury with cut to scalp. Mild concussion. Memory, concentration affected. Depression. Neck and back pain. Jury considered appropriate factors.
Ernst	Quinonez	2003 September 4	[2003] O.J. No. 4509 [2003] O.J. No. 3781 [2004] O.J. No. 556	S.C.J. Niagara Falls, Ontario	Henderson J.	Male	$25,000.00	punitive damage: $10,000.00	Scrapes and abrasions to forehead, face, chin, arms, and knees; bruises all over body; sore neck; swollen cheek; tingling in fingers; welts on back and legs; chipped 2 teeth; bankart lesion on shoulder that led to subsequent dislocation; shoulder pain expected to continue.
Burton	Daciw	2003 October 1	[2003] OJ No. 3941	S.C.J. Thunder Bay, Ontario	Pierce	Female 24 year	$50,000.00	*loss of future earnings*; 70,000.00 *Punitive damage*: $10,000.00	Permanent facial scar, permanent facial droop; swelling and bruising resolved; headaches for 6 months resolved; struck with beer bottle tossed over shoulder; loss of boxing career.
Hwang	Ricketts	2004 January 19	[2004] O.J. No 944	S.C.J. Toronto, Ontario	Echlin J.	Male	$20,000.00	*Punitive damage:* $7,500.00	Struck on the head 4 times. Bleeding profusely and taken by ambulance. Gash on top of his head and cut from bridge of his nose to down beside his right eye and under it. He received 19 stitches to his face and 2 staples to his 1 ½ cut on his head. He suffered pain during the assault and while being treated.

General									
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Rothman	Matus	2004 January 20	[2004] O.J. No. 220	S.C.J.	Croll J.	Female 60 years	$55,000.00	Business loss: $50,000.00	MVA. Ongoing pain in knee, leg, foot & neck. Headaches, distinctive limp. PL no longer able to carry out everyday activities such as cooking, cleaning, volunteering in the community, playing with grandchildren, socializing. PL had invested in Internet company she was setting up with son-in-law. Plans fell through as result of accident.
Kerins	Deroche	2004 May 28	[2004] O.J. No. 3405	S.C.J.	Bryant	Male	$45,000.00	*Loss of earnings:* $5,000.00	MVA - lacerations to left eyebrow, left cheek, nose, two lacerations to left upper lip and central upper lip - 200 sutures, mostly in the mouth; numbness of the lip; scars on face.
Vagliardo	Arnaiz	2004 June 24	[2004] O.J. No. 3428	S.C.J.	Wright J.	Male 38 years	$75,000.00	*Past Income Loss:* $25,130.00 *Future Loss of income*: $94,950.00	Sustained an injury to the left side of his head with temporary hearing loss. A left shoulder injury, neck injury and a lower back injury. His injuries were accompanied with headaches and persistent pain. His main complaints are neck pain and lower back pain.
Legros	Lai	2004 July 9	[2004] O.J. No. 3045	S.C.J.	G.I. Thomson J.	Male 54 years Plaintiff: Male, Wife, Son, daughter	$100,000.00	*Future Loss on Income:* $172,130.00 *Family Law Act:* Wife - $45,000.00 *Family Law Act*: *Son - $7,500.00* *Family Law Act:* daughter - $10,000.00	MVA -- permanent serious impairment to psychological function, moderate brain injury, chronic pain in legs, back, neck & knee and headaches.

General									
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Traquair	National Art Center Corp.	2004 October 15	[2004] O.J. No. 4198	S.C.J. Ottawa	Smith J.	Male	$75,000.00	*Special Damage*: $20,560.70 *Loss of Future and Past Income:* $ 424,296.00	Suffered a mild concussion as a result of his fall. The Plaintiff claims to suffer from neck pains and regular severe headaches since the accident. He is no longer able to concentrate and practice for a sufficient length of time to be able to audition and obtain a position with a large romantic size symphony orchestra.
Desbiens	Mordini	2004 November 18	[2004] O.J. No. 4735	S.C.J.	Spiegel J.	Male 56 years	$165,000.00	*Family Law Act:* Wife- $40,000.00 *Future care costs:* $919,400.00	Motor Vehicle/Wheelchair collision -- fractured femur, leg & hip swelling, loss of consciousness, surgery, pressure sore, dizziness, poor memory, sleep disturbance, headaches, back, neck, elbow & knee pain, problems with attention & concentration, emotional distress, severe depression, severe anxiety, chronic back pain; 40% impairment of whole person.

General									
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Lahay	Henderson	2005 April 29	[2005] O.J. No. 1705	S.C.J.	T.M. Wood J.	Male 43 years	$90,000.00	*Past lost income*: $1,653.74 *Loss of future earning capacity*: $265,213.00 *Family Law Act claims*: Wife- $30,000.00 *Family Law Act claims* Son- $15,000.00 *Family Law Act claims* Children $5,000.00 each	MVA – neck pain, chronic back pain, headaches.
Mundulai	Wilson	2005 June 24	[2005] O.J. No. 2656	S.C.J. Windsor, Ontario	J.H. Brockenshire J.	Male	$15,000.00		Liability not established. Damages calculated but not awarded. Alleged assault, battery and false imprisonment by police. Ongoing headaches, pain, and medical expenses. Affront to dignity and personal integrity.
Spring	Zellers Inc.	2005 August 12	[2005] O.J. No. 3402	S.C.J.	Walters J.	Female	$35,000.00	*Future Care Cost:* $5,000.00	Bruising of the right ear, right jaw, and watering of her right eye. Constant headache on her right side. Soft tissue injury to her neck, shoulder and arm has not resolved and she is now in chronic pain and is being treated for depression because of this chronic pain. She continues to have pain and stiffness in the right hand and arm and at times her hand is swollen and dusty in color.

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Stroud	Nicholson	2005 August 31	[2005] O.J. No. 3671	S.C.J.	D.R. McDermid J.	Female 54 years	$125,000.00 (provisionally)		MVA -- cervical sprain, skull fracture, closed head injury, bump on head, headaches, nausea, dizziness, intermittent double vision, bruising on shoulder, chest & hip, pain in arm, hand & leg, memory impairments, incoordination & weakness, numbness in 2 fingers, sore ribs, sleep disturbance, fatigue.
Mason	Moore	2005 September 9	[2005] O.J. No. 3799	S.C.J.	W.A. Jenkins J.	Female 48 years	$90,000.00	*Cost of care*: $63,087.00 *Past loss of income*: $43,013.00 *Future loss of income*: $225,675.00 *Family Law Act claim*: Husband- $15,000.00	MVA -- pain, swelling & limitation of movement in both knees, undisplaced fracture of patella, neck & back injuries, pain in neck, back & shoulder, 3 knee injections, aggravation of symptomatic degenerative knee changes, arthroscopic surgery, ongoing headaches & pain in neck and shoulder.

General									
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Momand	Wild Water Kingdom Ltd.	2005 September 22	[2005] O.J. No. 4025	S.C.J.	H.E. Sachs J.	Female 23 years	$70,000.00	*Past and Future loss of income*: $222,803.72 *Future care costs*: $82,728.27 *Family Law Act*- Husband $12,000.00	Waterslide injury: Struck head when bumped & thrown from inner tube. Whiplash injury to neck, concussion, migraine headaches, pain in neck & shoulder, nausea, dizziness, difficulty concentrating, memory problems, pain in arm & fingers, stiffness & tingling in fingers, chronic pain syndrome, depression. Ongoing and constant headaches.
Appeal allowed in part.		2006 October 31	[2006] O.J. No. 4336	Ont. C.A. Toronto ON	R.P. Armstrong and R.A. Blair JJ.A. and J.D. Cunningham A.C.J.S.C.J. (ad hoc)			*Future care costs:* $72,728.27	Appeal allowed in part: Future care costs awarded regarding costs of Zomig medication reduced to account for expected decreased cost due to generic competition.
Nyamadi	Mississauga (City)	2005 October 7	[2005] O.J.R.E. 97519	S.C.J. Hamilton, Ontario	Morawetz J.	Female 19 years	$35,000.00	*Past Income Loss:* $10,981.61	Headaches, neck strain, right shoulder strain, back pain, chest pain, lower back pain, pain in the arms, bladder injury, muscle spasm, myofascial injuries throughout her body, and contusions. She claims that she suffers, and will continue to suffer permanent and serious psychological injuries, including hypertension, insomnia, fatigue, stress, depression, anxiety, irritability, memory loss, and cognitive difficulties.

General									
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Henhawk	Brantford (City)	2005 Nov 8	[2005] O.J. No. 5140 Additional reasons at: [2006] O.J. No. 80	S.C.J.	Crane J.	Female 42 Years Old	$60,000	*Loss of Competitive Advantage:* $10,000 *Special damages including subrogated OHIP:* $12,833.78 *Costs:* $34,532.42 plus G.S.T	Plaintiff has sustained four injuries. A laceration to her forehead which resolved within a short time. A fracture of her right wrist and abrasions to her right forearm, which substantially resolved within a relatively short time, a dislocated fracture of the malleolus and fibula which required open reduction, and the most significant of the injuries, a dislocation fracture of the first metatarsal into the joint with the first cuneiform.
Walker	Sun Shelters Industries Inc.	2006 March 30	[2006] O.J. No. 2023	S.C.J. Brampton	Mossip J.	Female	$100,000	*Lost Wages:* $4,334 *Subrogated Claim of O.H.I.P.*: $1,593.38 *Family Law Act* for loss of guidance, care and companionship (Husband): $20,000 *Costs:* $35,000.	Fall was “horrific.” P’s head bounced off the pavement twice. She was stunned and suffered immediate effects from this fall.

General									
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Litwinenko	Beaver Lumber Co	2006 August 10	[2006] O.J. No. 3383	Ont. S.C.J. Thunder Bay	J. Wright J.	Female 69 years (76 years at trial)	$15,000.00	*Special Damages:* $12,197.19	Occupiers liability. Slipped and fell heavily to the ground, falling on her right side and striking her head. She suffered an injury to her head, ribs, leg, and shoulder, as well as multiple bruises and abrasions. She suffered a slight concussion, which resulted in vomiting, dizziness, and headaches. Plaintiff remained in hospital for 41/2 days. Her leg injury resolved within a few months, her ribs healed within six months, and her headaches eventually abated to their previous state
Appeal allowed re damages and liability.		2008 May	[2008] O.J. No. 2133	Ont. S.C.J. Divisional Court Thunder Bay	S.E. Greer, D.S. Crane (dissenting) and A.M. Gans JJ.		Reassessed at $45,000.00	*Special Damages* Reassessed at $122,405.19	Pre-existing heart condition, headaches, right shoulder pain, and marked degenerative disc disease to her cervical spine, which had been symptomatic. Injuries disturbed symbiosis on a permanent basis invoking the "thin skull rule". Liability: Trial – 50/50 Appeal – 15/85 in favour of appellant

General									
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McIntyre	Grigg	2006 November 6	[2006] O.J. No. 4420	Ontario Court of Appeal, Toronto Appeal from Superior Court of Justice	R.R. McMurtry,K.M Weiler, R.A. Blair	Female University student	$250,000	*Punitive* reduced from $100,000 to $20,000 *FLA claims*: $15,000 for each parent and $5000 for sister *Aggravated damages* of $100,000 disallowed	Appeal allowed with respect to aggravated damages, *FLA* claims and punitive damages Plaintiff gifted athlete; suffered closed head injury, broken right femur; continued lower back pain, knee, ankle and shin discomfort, scarring on leg; brain trauma leading to depression, psychotic episodes, paranoia, two suicide attempts
Dogan	Pakulski	2007 May 11	[2007] O.J. No. 1903	S.C.J.	F.J.C. Newbould J.	Male 69 years	(Fall): $15,000 (Assault/Battery) : $2,000	*Aggravated damages:* $2,500 *Punitive damages:* $2,500 *OHIP:* $1,500	The plaintiff hit his head when he slipped and fell on snow and ice resulting in headaches and dizziness. The length of the dizziness may have been caused by other health problems. Pre existing conditions: The plaintiff suffered from diabetes, high blood pressure, lower back pain and a heart condition that caused fatigue and weakness. He also had a history of alcoholism and heavy smoking. Fault: 40% Plaintiff / 60% Defendants. The defendants were liable for assault / battery when the threatened and pushed the plaintiff causing him to fall and hit his head. These actions caused an exacerbation of his medical conditions & stress.

General									
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George Action dismissed. Damages assessed nevertheless.	Covent Garden Market Corp.	2007 July 25	[2007] O.J. No. 2903	Ont. S.C.J.	K.F. Ross J.	Female 57 years	$60,000.00	*Special Damages:* $1,628.05 *Chiropractor:* $ 1,726.25 *Family Law Act Claim:* Husband – $5,000.00 *Family Law Act Claim:* Daughter – $1,500.00	Trip and fall. Injuries to her head - no fractures but sustained a contusion to her forehead and a bruise at the corner of her left eye. Small laceration to her left right and a bruise to her left forearm. Right elbow badly bruised and bruise on left shoulder. Fall made fibromyalgia worse. P had history of several prior fall and a long history of prior physical and psychological health problems. P did not establish on a BoP that the D failed in its statutory duty to take reasonable care.
Sherman	Guckelsberger	2008 December 29	[2008] O.J. No. 5322	S.C.J.	J.A. Milanetti J.	Female 32 years at trial	$25,000.00	*Past Wage Loss:* One week of full-time earnings and two weeks of part-time earnings	No liability – damages calculated but not awarded. MVA causing daily headaches, neck pain, and numbness and tingling in two fingers on PL's right hand. Plaintiff's claim for future wage loss did not meet the threshold of a "permanent, serious impairment of an important physical, mental, or psychological function" under the Insurance Act.

General									
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St. Prix-Alexander	Home Depot of Canada Inc.	2008 January 4	[2008] O.J. No. 25	Ont. S.C.J.	B.J. Manton J.	Female, 34 years	$75,000.00	*OHIP subrogated claim:* $16,162.25 *Babysitting:* $6,970.00 *Loss of competitive advantage:* $400,000.00 *Family law act claim:* Husband- $20,000.00	Struck in the head and neck area with a heavy box. May have lost consciousness briefly. Suffered pain in her neck, shoulder, upper body, and chest. Sustained a major injury to her cervical spine causing her pre-existing spinal condition to become symptomatic. The injury also resulted in spinal cord compression in plaintiff's neck, resulting in permanent effects on her spinal nerves, causing slight weakness of the left upper limb and slight sensory symptoms in the left side of her body. P's testimony was not credible at times.
Millar	Waring	2009 April 14	[2009] O.J. No. 1865	S.C.J.	J.R.H. Turnbull J.	Male 49 years at trial	$185,000.00	*Past Loss of Income:* $43,361.00 *Ministry of Health Cosmetic Surgery:* $17,757.43 *Scar Revision:* $3,500.00 *Rhinoplasty:* $3,710.00 *Lost of Income for two weeks for each procedure* $5,804.00 *Left Upper Eye Lid Blepharoplasty:* $3,000.00	PL was a victim of assault when hit in face by sledgehammer causing loss of an eye, skull fracture and brain damage. Injuries sustained from assault include visual impairment, diminished cognitive abilities, short term memory loss, limited depth perception, reduced flexibility, and difficulty balancing self while walking and standing upright. PL's family finds him to be more short tempered, increasingly forgetful, frustrated and less socially interactive. PL also required tear duct replacement implants, as well as vocational rehabilitation, counselling and retraining due to limitations imposed upon him as a result of his injuries.

General									
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								Work Absence Resulting from Surgical Procedure: $2,902.27 *Future Home Maintenance Costs:* $20,000.00 *Future Loss of Income:* $300,000.00 *Cost of Vocational Training:* $1,600.00 *Cost of Retraining:* $5,000.00	Assailant 50% liable for unlawfully causing serious and permanent personal injury to the plaintiff. Adjacent property owner defendant 35% liable for failing to call 911. Plaintiff 15% contributorily negligent for acting in a manner likely to expose himself to physical harm.

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Marcoccia (Litigation Guardian of) Appeal allowed in part	Ford Credit Canada Ltd.	2009 April 20	[2009] O.J. No. 1548	Ont. C.A. Toronto, Ontario	M. Rosenberg J.C. MacPherson P.S. Rouleau JJ.A.	Male 20 years	$312,000	*Loss of Past Income:* $5,322 *Loss of Future Income:* $1,384,918 *Future Care Costs:* $13,952,064 *Costs:* $720,000 (reduced to $657,551 on appeal)	MVA causing serious injuries to frontal and temporal lobes. Diminished functioning and enduring physical, psychological, behavioural and emotional impairments that prevent leading a normal life. Appeal reduced the substantial indemnity costs award.
Leighton	Best	2009 May 21	[2009] O.J. No. 2145	S.C.J. North Bay	R.A. Riopelle J.	Male 34 years at trial	$35,000.00	*Family law act claim:* Wife – $3,000.00 *Special damages:* $288.32 *Future care costs:* $2,800.00	The defendant punched the plaintiff in the face during a hockey game. The plaintiff suffered a concussion, 3 fractures in his jaw, a displaced fracture of his mandible. As a result he underwent closed reduction jaw surgery requiring his jaw to be wired shut. The plaintiff lost 25 pounds and suffers from jaw pain and fatigue, an altered occlusion, space between his front teeth, and clicking of his TM joint. He may require an intra-oral stabilization orthotic, which will require adjustment periodically.

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Ayana	Skin Klinic	2009 July 29th	[2009] O.J. No. 3341	S.C.J.	D.G. Price J.	Female 44 Years	$35,000	*Future Care Costs:* $1,200 *Special Damages:* $695 *Recovery of Cost of Treatments:* $675 *Family Law Act:* Husband - $3,500 Son - $5,000 Daughter - $500	Faulty hair removal procedure causing second degree burns to neck and chin, permanent scarring. Stress and depression, PTSD, heightened sensitivity to scarring due to pre-existing cultural beliefs.
Schmor Estate	Weber	2010 January 27	[2010] O.J. No. 837	S.C.J.	C.E. Brown J.	Female 91 years	$50,000	*Family Law Act:* First Daughter - (primary caregiver) $20,000 2nd Daughter - $10,000	Plaintiff hit her head on a protruding trailer hitch. Falls and fractures her hip and wrist. Requires surgery. Suffers pain in hip & wrist, difficulty walking and weakness in arms. Problems ongoing until her death three years later.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Abebe-Deres	VanDaalen	2010 September 22	[2010] O.J. No. 4188	S.C.J.	B.A. Allen J.	Male	$7,500		PL injured as a result of an assault perpetrated by the defendant. PL struck in face and knocked to the ground. When the PL rose from the ground the defendant hit him causing the PL to fall to the ground again. PL suffered a black eye and cuts to his face which required two sutures in his cheek and four sutures in his lip. PL also missed two days from work as a result of his injuries sustained by the assault.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
James	Harper	2010 August 30	[2010] O.J. No. 4373	Ont. S.C.J.	DiTomaso J.	Male 46	$200,000	*Aggravated Damages:* $10,000 *Lost wages and out-of-pocket expenses:* $21,530.90 *Loss of competitive advantage:* $50,000.00 *Subrogated OHIP claim:* $36,850.19 *Family Law Act Claim (Wife):* $30,000 *Family Law Act Claim (2 children):* $15,000	Defendant struck plaintiff on the right side of the head with a hammer, dragged him across a driveway by his legs, and kicked him repeatedly in the face. General Damages: Serious head trauma resulting in chronic pain causing nausea, headaches causing nausea, up to 25 migraines per month. Plaintiff suffers from dysphasia. Developed extreme sensitivity to cold and must wear hat even in summer. Diagnosed with a significant brain injury with reduced attention span and memory loss. He suffers from irritability, mood swings and depression. He suffers problems with eye-hand co-ordination and positional vertigo. Feels a loss of sensation on the left side of his body and face. Suffers from PTSD, lives in constant fear of reinjuring his head, no longer enjoys sexual intercourse. Aggravated damages: Because of the vicious and the brutal assault plaintiff is entitled to aggravated damages

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Georgiou	Vassos	2010 November 30	[2010] O.J. No. 4865	Ont. S.C.J.	L.B. Roberts J.	Male 25 (at time of injury)	$125,000	*Lost Wages:* $11,048.40 *OHIP Subrogated claim:* $502.15 *Damages payable reduced to account for money received from Criminal Injuries Compensation Fund:* -$16,150.00	Defendant pushed plaintiff through a glass window. Plaintiff suffered severe lacerations to his face (7-8 cm) which caused him pain for a year and caused serious scarring. Scar tissue makes it difficult to eat and shave. Also suffered back and neck pain which forced him to give up sporting activities he loved. Personality shifted since accident – became withdrawn, shy, and cold. Caused him to abandon plans to become police officer. Embarrased about physical appearance.
Placzek	Green	2010 October 15	[2010] O.J. No. 4382	Ont S.C.J.	H.A. Rady J.	Female 47	$85,000		Low-speed MVA. Plaintiff suffers from chonic pain in head and neck, numbness in left arm, hand, left trunk, leg and foot. Injuries inflamed due to pre-existing condition of fibromyalgia. Judgment requests additional submissions from counsel to quantify future cost of care and loss of income.
Appealed by Defendant.		2012 January 26	[2012] O.J. No. 651	Ont. C.A.	Doherty, LaForme and Hoy JJ.A.				Appeal on basis that judge decision to discharge jury, and the quantification of damages, required re-assessment. Unsuccessful. Damages not amended. Costs awarded to Plaintiff.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Ramotar	La Fontaine Jeunesse	2010 November 25	[2010] O.J. No. 5069	Ont S.C.J.	Sosna J.	Female 24	$30,000	*Special Damages:* $5,000	Plaintiff suffered burns to her face and neck during a laser hair removal procedure at the defedant's beauty salon. Dermatologist described injury as "post inflammatory hyper pigmentation of face and neck, secondary to burns from laser hair removal". The burns have left scars which has lead to depression, weight gain and social introversion,
Billings Appeal by Plaintiff	Mississauga (City)	2010 2011	2010] O.J. No. 3304 [2011] O.J. No. 1449	S.C.J. Ont. C.A.	C.N. Herold J. D.R. O'Connor A.C.J.O. J.I. Laskin J.C. MacPherson JJ.A.	Male	$85,000	*Loss of Past Income:* $25,000 *Special Damages:* $3,127	Damages calculated but not awarded. Slip and fall on icy sidewalk. Fractured tail bone; severe back pain. Head injury. Soft tissue shoulder injury. Bruised elbow. Damages reduced 25% for contributory negligence. Appeal dismissed. The city's policy toward snow removal was reasonable and they adhered to the policy.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.			*P1: Loss of Housekeeping: $3,000*	A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries.
						P1: Female 70 years	P1: $45,000	*P1: Special Damages: $250*	P1: stitches to head and leg, cast then crutches, headaches, knee pain.
						P2: Male 37 years	P2: $50,000	*P2:Family Law Act Claim – Wife: $10,000*	P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain.
						P3: Female 30 years	P3: $30,000	*P3: Family Law Act Claim – Husband: $10,000*	P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety.
						P 4: Male 28 years	P4: $60,000	*P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder.
						P5: Male 33 years	P5: $20,000		P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head.
						P6: Male 30 years	P6: $25,000		P6: bruising on mid and low back.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)									Cut to head requiring stitches and later infected. Cut to left hand. Abrasions to neck and mid-back. Physiotherapy required.
						P7: Female 27 years	P7: $65,000	*P7: Loss of Future Housekeeping: $5,000* *P7: Loss of Past Wages: $320*	P7: pain and discomfort to face, above left eye, along right side, right elbow, lower back. Compression fracture. Open wound injury to right knee and some bruising. Stress and anxiety. Chiropractor required.
						P8: Male 19 years	P8: $20,000		P8: back and knee pain. Cuts on right hand, near thumb of left hand, skull and chin, resulting in scar. Difficulty sleeping and fatigue.
						P9: Female 38 years	P9: $55,000		P9: anxiety/PTSD. Bruising, back pain. Possible compression fracture.
						P10: Male. 14 years	P10: $65,000	*P10: Loss of Future Housekeeping: $5,000*	P10: cuts on head and arm. Bruising on right shoulder, resulting in rotator cuff tendinitis and muscle strain. Lower back pain. Chronic pain. PTSD. Physiotherapy required.
						P11: Female 39 years	P11: $50,000		P11: whiplash. Bruising to lower left leg, upper left arm, tailbone, and one finger. PTSD.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)						P12: Female 29 years	P12: $70,000	*P12: Loss of Future Housekeeping: $25,000* *P12: Special Damages: $6,179.08*	P12: pregnant at time of accident. Ankle, neck and lower back pain leading to chronic pain. Physiotherapy required.
Tubis	Zochowski	2011 Oct 7	[2011] O.J. No. 4408	Ont. SCJ	Lederer, J.	Female 79 years	$60,000	*Pecuniary:* $6,400 *Family Law Act Claim – Husband*: $10,000 *Family Law Act Claim – Son*: $2,000 *Loss of Income* – Son: $15,000	Internal bleeding of the head, loss of consciousness, fractured rib, broken front teeth resulting in extraction and bridge, facial fractures, multiple lacerations and abrasions to body. All resulting in chronic pain. Fatigue and insomnia. Behavioural changes. Difficulty with speech. Postraumatic headaches. Depression and stress.Inability to care for self and need for constant supervision. Plaintiff sought default judgment due to undefended claim, court awarded.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Pelletier	Ontario	November 7, 2013	[2013] O.J. No. 5271	S.C.J.	Boswell J.	Male 28 years	$250,000.00	*Other Damages* $5,218,950.00 *Past Lost Income:* $12,600 *Future Lost Income:* $112,500 *Attendant Care*: Residential $3,195,000 *Attendant Care:* Community $1,000,000 *Past Attendant Care (Brownes):* $50,000 *Counselling*: Individual $63,000 *Counselling:* Family/Relationship: $21,000 *Counselling:* Report Writing $30,000 *Occupational Therapy*: Transition $4,000 *Occupational Equipment*: $1,450	Plaintiff was hit by Police officer when riding his bike through pedestrian crosswalk. Plaintiff experienced permanent and significant facial disfigurement including sunken face and smashed nose as well as deep forehead laceration. Broken bones in hand, foot and spinous process fractures causing Chronic Pain Syndrome in neck, back and right foot. Symptoms of PTSD, major depression, apathy and cognitive deficiencies. Significant pre-existing problems included upper and lower back pain, neck pain (with possible prior cervical spine fracture), headaches, dizziness, confusion, major depression, consumption of alcohol, marijuana, cocaine and prescription medication. Reduction of damages by 40% due to pl.'s contributory negligence.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Occupational Therapy: Ongoing $28,000 *Physiotherapy*: $14,000 *Gym Membership*: $15,000 *Housekeeping:* $78,500 *Medications:* $201,700 *Plastic Surgery*: $12,500 *Bus Pass*: 58,000 *Case Management*: Transition 13,200 Case Management: Ongoing 58,500	

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Sica	Doe	2014 March 17	[2014] O. J. No. 1219	Ont. S.C.J.	M.A. Garson J.	Male 35	$35,000	*Subrogated OHIP:* $398 *Subrogated Criminal Injuries Compensation Board:* $4,000	Plaintiff was assaulted. Plaintiff suffered from cut under his eye, bruising to his face and eye, arm and hand. He had headaches, and pain in his neck, shoulder and lower back. He was later diagnosed with ongoing social anxiety, and post-concussion syndrome, which includes severe headaches, blurred vision, fatigue, and loss of appetite. He has a permanent scar under his left eye. Undefended trial.
Constantini	Constantini	March 18, 2013	[2013] O.J. No. 1234	S.C.J.	Pazaratz J.	Female 45 years	$15,000		Wife suffered assault and battery from husband. She had a large bump on back of head, soft tissue injuries on right side of neck, headaches, aches and pains all over her body. She was grabbed by the throat which is very sore and has a hoarse voice. No permanent damage. She has emotional distress in the form of depression, insomnia, anxiety and pervasive fear. Uncontested hearing. Husband was charged criminally with assault and death threats.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Radmanish	Sulaimankhail	2014 September 19	[2014] O. J. No. 4386	Ont. S.C.J.	Firestone J.	Male 30	$39,900	*Aggravated Damages:* $3,000 *Past Loss of Income:* $23,544	Plaintiff was assaulted three times at his workplace. Plaintiff suffered soft tissue injuries to his neck and shoulder, abrasions on his face, and laceration to his temple. He has been diagnosed with post-tramatic stress disorder. He has bad dreams, flashbacks, occasional headaches, and ongoing pain in his neck and shoulder.
Thornton Action dismissed. Damages assessed	Thomas	2015 February 04	[2015] O.J. No. 544	Ont. S.C.J.	J. Sebastian Winny D. J.	Male	$300	None	Plaintiff was arrested. Plaintiff suffered blow to the head during arrest.
Elmardy Plaintiff's appeal allowed in part.	Toronto (City) Police Services Board	2015 May 7 2017 April 4	[2015] OJ No. 2314 Additional reasons re: costs 2015 ONSC 3710 [2017] O.J. No. 1640	S.C.J Ont. Divisional Court	F.L. Myers J. H. Sachs J., Nordheimer J., Spies J.	Male, 38	$9,000.00 $55,000.00	*Punitive damages:* $18,000.00 *Punitive damages:* $25,000.00	Plaintiff was subjected to false arrest, unreasonable search and seizure, and battery. Plaintiff suffered from exposure to subzero temperatures, swollen cheek, cut lip, pain in his knees, humiliation and embarrassment. On appeal, the award for the breach of plaintiff's Charter rights was increased to $50,000.00 and the award for punitive damages was increased to $25,000.00

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lawrence	Sugar Daddys	2017 June 15	[2017] O.J. No. 3111	S.C.J	M.J. Donohue J.	Male	$10,000.00		Plaintiff suffered injuries as a result of an assault by a “bouncer” at a bar. Bouncer grabbed plaintiff's shirt and punched him in the face. Plaintiff did not provoke bouncer. Plaintiff suffered swelling, a laceration to his face, and a non-displaced fracture of the nasal bone. Pain and suffering lasted for two months. The laceration left a permanent scar.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Kollaras (Litigation Guardian of)	Olympic Airways S.A.	1999 April 28	Leave to appeal to Ont. C.A. refused [1999] O.J. No. 1447 (1999) 100 O.T.C. 241 Additional reasons [1999] O.J. No. 2417 (1999) 100 O.T.C. 241	S.C.J. Toronto, Ontario	Gans J.	Female 68 years	$60,000.00		Trauma to right temple. Surgery to remove brain lesion. Developed Alzheimer's disease 3 years prematurely as a result of accident and surgery.
Gray	Macklin	2000 Additional Reasons (2001)	[2000] O. J. No. 4603, 7 M.V.R. (4th) 264, 4 C.C.L.T. (3d) 13 Additional Reasons: [2001] O. J. No. 664 (QL)	S.C.J. Newmarket, Ontario	Shaughnessy J.	Female 15 years	$175,000.00	*Future loss of income:* $764,693.30 *Future care expenses*: $81,203.05 *Family Law Act Claims*: Mother - $30,000.00 Father - $12,000.00 Brother (passenger in car) - $7,500.00	Car accident. Basal skull fracture. Hemorrhage into left temporal lobe. Affected ability to discriminate and understand speech. Fracture of left petrous and temporal bones of skull – loss of hearing. Numerous other fractures, lacerations, ligament tears. Psychological impairments. Affected ability to enjoy life and be employed.
Waterworth (Litigation Guardian of)	Freeman	2001 February 26	[2001] O.J. No. 624	Ont. C.A.	Finlayson, Carthy, Austin JJ.A.	Male 27 years	$250,000.00	*Future loss of earnings*: $647,591.00	Internal abdominal injuries. Closed head injury. Severe fracture of pelvis, left femur and hip. Nerve damage to right hand and elbow. Diminished cognitive skills. Unable to function independently. Eye glasses and speech therapy required.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Dryden (Litigation Guardian of)	Campbell Estate	2001 February 28	[2001] O.J. No. 829; (2001), 11 M.V.R. (4th) 247; (2001), O.T.C. 143	S.C.J. Hamilton, Ontario	Cavarzan J.	Male 13 years	$250,000.00	*Future loss of earnings*: $841,054.00 *Family Law Act claims*: Parents - $50,000.00 each *Family Law Act claims* 2 sisters - $15,000.00 each *Family Law Act claims* Grandfather - $1,500.00	Student. Depressed fracture of skull, subdural hematoma, broken facial bones, injured left eye, fractured left femur. Diabetes insipidus. 24 hour supervision. Unlikely to be competitively employable. Numerous other expenses reimbursed.
Umlauf	Umlauf	2001 March 27	53 O.R. (3d) 355 [2001] O.J. No. 1054	Ont. C.A.	Finlayson, O'Connor, MacPherson JJ.A.	Male	$100,000.00		Employed as executive. Severe and permanent brain damage. Unconscious and comatose for 4 days following assault. Unable to work.
MacMillan	Ontario (Minister of Transportation and Communications)	2001 May 24	[2001] O.J. No. 1891 (2001) 24 M.V.R. (4th) 15	Ont. C.A.	Goudge, Borins, Sharpe JJ.A.	Female 41 years	$210,000.00	*Pecuniary Special Damages*: $1,961,341.90 *Future Loss of Income* $732,956.00 *Cost of Future Care* 921,347.00 *Family Law Act*: $40,000.00	Pension Development Officer. Fractures to left wrist, skull and sinuses. Closed head injury causing severe behavioural, cognitive and physical problems. Permanent defects 10 years after injury to attention span, visual memory, social judgment. Dissolution of marriage. No longer employable.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Abou-Marie (Litigation Guardian of)	Baskey	2001 October 1	[2001] O.J. No. 4898; 56 O.R. (3d) 360	S.C.J. Toronto, Ontario	Jennings J.	Female 10 years	$100,000.00	*Family Law Act Claims*: Mother - $18,000.00 Father - $18,000.00 Sister - $8,000.00 2 brothers – $5,000.00 each	Severe closed head injury. Compound fracture of wrist. Scarring. Coma for 13 days. Contusion. Residual intellectual impairment. Re-learn basic skills. Could continue school and university but loss of pre-accident potential. Increased tearfulness, tantrums, psychological problems.
Bakhtiari	Axes Investment Inc.	2001 November 30,	[2001] O.J. No. 4720 (2001) 24 M.P.L.R. (3d) 248, [2001] O. T.C. 855 Additional Reasons: [2003] O. J. No. 158	S.C.J. Toronto, Ontario	Lane J.	Male 20 years	$100,000.00	*Future loss of income*: $377,510.00 *Family Law Act claim*: Brother - $10,000.00	Smoke inhalation. Chemical burn to eyes. Serious injury to plaintiff's mother. Plaintiff suffered from guilt. Psychological problems. Some degree of dementia 5 years earlier than would have been the case. Intellectually capable and got engineering degree but concentration impaired.
Carere	Cressman	2002 April 16	[2002] O.J. No. 1496, [2002] O.T.C. 258, (2002) 12 C.C.L.T. (3d) 217	S.C.J. Welland, Ontario	Henderson J.	Male 16 years	$225,000.00	*Future loss of earnings*: $949,000.00 *Family Law Act Claims*: Mother - $216,000.00 *Family Law Act Claims* 3 sisters - $20,000.00 $5,000.00, $10,00.00	Cerebral palsy. Doctor's negligence in performing external cephalic version on plaintiff's mother during pregnancy. Underwent many surgeries. Pain in knees, hip, ankle, low back. Bowel problems. Never live independently without supervision. Never competitively employable.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Trajdos	Bala	2003	[2003] OJ No. 4953	S.C.J.	Panet	Male	$293,780.00	*Family Law Act*- Mother; $65,000.00 *Family Law Act*- Father: $65,000.00 *Family Law Act*- sister and brother (each): $20,000.00	Plaintiff born blue with cord wrapped around neck; vacuum extractor used; resuscitated; result in brain damage, cerebral palsy and quadriplegia
Walker	Ritchie	2003 January 3	[2003] O.J. No. 18, [2003] O.T.C. 3	S.C.J. Sarnia, Ontario	Brockenshire J.	Female 17 years	$250,000.00	*Loss of interdependent relationship*: $125,000.00 *Future loss of earnings*: $1,421,225 *Family Law Act Claims*: Mother - $65,000.00 *Family Law Act Claims* Father - $50,000.00 *Family Law Act Claims* 3 sisters - $15,000.00 each	Severe traumatic brain damage. 6 week coma. 6 month amnesia. Severe motor disability. Fracture of right ulna, proximal phalanx of left middle finger, small osteochondral chip of bone anteriorly in left ankle. Lacerations of right forehead & right shoulder. Facial droop, dysarthric speech, jerky eye, slow arm movement. Neurologic effect worsens with time. Unable to retain competitive employment.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Legros	Lai	2004 July 9	[2004] O.J. No. 3405	S.C.J.	G.I. Thomson J.	Male 54 years Plaintiff: Male, Wife, Son, daughter	$100,000.00	*Future Loss on Income:* $172,130.00 *Family Law Act:* Wife - $45,000.00 *Family Law Act*: *Son - $7,500.00* *Family Law Act:* daughter - $10,000.00	MVA -- permanent serious impairment to psychological function, moderate brain injury, chronic pain in legs, back, neck & knee and headaches.
Hornick	Kochinsky	2005 March 29	[2005] O.J. No. 1629	S.C.J. Chatman, Ontario	Thomson J.	Male 39 years	$125,000.00	*Past loss of income*: $14,390.00 *Family Law Act*: wife-$45,000.00 *Family Law Act* Sons- $45,000.00 each	Severe whiplash and brain injury as result of MVA. Ongoing problems with lower back, left shoulder and right knee. Soft tissue injuries. Severe adjustment disorder involving significant anxiety, depression and frustration.
Spring	Zellers Inc.	2005 August 12	[2005] O.J. No. 3402	S.C.J.	L.M. Walters	Female Age Unknown	$35,000	*Future Care* $5,000	Plaintiff struck in head by 7-9 items falling off shelf above her head; pain of pre-existing condition intensified and depression as a result of chronic pain; headaches persisted for 5 years
Moore (Litigation Guardian of)	Wienecke	2006 February 17	[2006] O.J. No. 202 2006 CARSWELLON T 974 *amending*	S.C.J.	Mesbur J.	Male 35 Years Old	1998 Accident $40,000 2002 Accident $60,000	1998 Accident *Loss of Future Income* $38,854 *Future Care* $3,500 *FLA claims* $1000 for each child	Complex case involving 2 separate mva's; first in 1998 and second in 2002; plaintiff had pre-existing brain damage from previous motorcycle accident in 1991 1998 Accident

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Appealed: Successful re cost issue. Damages not amended.		2008 March 6	2006 CarswellOnt 284 [2008] O.J. No. 841	Ont. C.A. Toronto ON	J.C. MacPherson, R.P. Armstrong and G.J. Epstein JJ.A.			2002 Accident *Loss of future income* $349,689 *Future Care* $31,500 *FLA claims* $2500for each child	-broke toe -fell down stairs as a result of the toe injury which lead to a knee injury that required surgery -continuing pain in knee and foot 2002 Accident -severe and permanent upper back pain -Grade 2 whiplash disorder
Fragomeni	Ontario Corp. 1080486	2006 April 12	[2006] O.J. No. 1630	S.C.J.	Baltman J.	Male 69 Years Old	$90,000	*Loss of care, guidance, and companionship* Wife: $10,000 Children $2,000 each. *Prescription drugs, ambulance, parking, etc.* $2,316.79	P. slipped and fell in parking lot., sustaining skull fracture which required surgery. The skull fracture produced frequent headaches and right-sided weakness for two months until a CT scan revealed the subdural hematoma.
Anguish	Daviault	2006 July 5	[2006] O.J. No. 2833	S.C.J. Brantford	J.W. Quinn	Male Age unknown	$35,000 for brain injuries and $5000.00 for balance of injuries	*Special Damages* $800 *Punitive Damages* $25,000.00	Vicious assault upon plaintiff; plaintiff unconsious for 5-10 minutes, suffered concussion resulting in learning and memory deficits, swelling and bruising of lips, blackened eyes
Gordon	Greig	2007 January 23	[2007] O.J. No. 225	Ont. S.C.J.	B.A. Glass J	Male 22 years (Both PLs)	PL 1 - G: $310,000.00 PL 2 - M: $310,000.00	**PL 1 - G:** *Future care*: $8,646,900.00 *Past wage loss:* $15,100.00	Motor vehicle accident: PL 1—G: Severe and catastrophic brain injury and upper spinal injury. Bladder and bowel control, sense of smell,

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Future wage loss: $1,871,600.00 *Management fees:* $525,925.00 *Family Law Act:* Mother - $75,000.00 *Family Law Act:* Father - $75,000.00 **PL 2 - M:** *Special Damages:* $74,713.78 *Past wage loss:* $55,400.00 *Future wage loss:* $2,298,320.00 *Management fees:* $447,164.00 *Future Care:* $8,880,000.00 *Housing Costs:* $374,800.00 *Family Law Act:* Mother - $75,000.00 *Family Law Act:* Father - $60,000.00	sense of taste, sense of hunger, and sense of temperature have been affected by the injuries. Placed in a halo because of upper spine and neck injuries. Requires prescribed medication in order to engage in sexual intercourse. Extreme difficulties with social, family and romantic relationships. Memory impacted significantly. Does not enjoy a normal life. PL 2 – M: Paraplegic. Rods inserted to brace his spine. Loss of bladder and bowel control. Underwent stem cell surgery in Portugal. Has made some progress in an intensive rehabilitation program. PL gradually advanced from having no ability to control his lower body, to being able to pull himself up to crawl. Highly unlikely will work at an income-generating career. Changes to the physical layout of the residence of Karen and Peter Morrison were undertaken to make the home more user friendly for Ryan.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Family Law Act: Sister – $30,000.00	
Soares	Costa	2007 February 20	**2007 CarswellOnt 1502**	Ont. S.C.J.	Echlin, J.	Male	Injured: $95,000.00 Wife: $25,000.00 Sons (2): $35,000.00 (each)	*Past loss of income:* Injured - $75,000.00 Wife – $10,000 *Future loss of income:* Injured - $50,000.00 *Punitive Damages:* $25,000.00 *Mental Distress of wife:* $5,000.00 *Ohip Subrogated Claim:* $13,216.49	Severely beaten. Significant head injuries. 4 inch gash to the left side of his head and a compound depressed skull fracture. Severe brain trauma, memory loss, headaches, sleep and speech disruption, emotional distress, depression, fatigue, post-traumatic amnesia for 34 hours, difficulties in concentration and memory, anxiety and back pain. Completely unable to work for almost 5 years.
Abel	Hamelin	2007 April 30	[2007] O.J. No. 1927	Ont. S.C.J.	C.T. Hackland J.	Female, 49 years	$120,000.00	*Past loss of income:* $191,655.42 *Future loss of income:* $123,140.18 *Housekeeping and personal support:* $86,827.48	Pedestrian-motor vehicle accident. Chronic pain condition, depression and significant cognitive impairment. Pre-existing cognitive deficits were substantially exacerbated by the accident. P did not work following accident and is not expected to in the future.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Mackenzie Supplementary Reasons re pre-judgement interest	Ward	2007 May 11 2007 Sept 18	[2007] O.J. No. 1880 [2007] O.J. No. 3496	Ont. S.C.J.	W.U. Tausendfreund J.	Female 42 years	$150,000.00	*Special Damages:* $7,665.08 *Loss of past income:* $101,400.00 *Loss of future income:* $500,000.00	Odour from spilled solvent resulted in low energy and fatigue; frequent but manageable headaches; sensitivity to odours; anxiety; depression; poor short term memory; poor concentration abilities; and depression.
Landreau	Tremblay	2007 November 6	[2007] O.J. No. 5529	S.C.J.	R.A. Riopelle J.	Male	$60,000.00		PL injured as a result of a motor vehicle accident. PL sustained a facial laceration, mild concussion, punctured lip, dislocation of four upper teeth, fractures to a top and bottom molar, and injured shins, finger and toe. Plaintiff 35% contributorily negligent for want of care for personal safety.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Huinink (Litigation guardian of) Action dismissed but costs assessed nevertheless.	Oxford (County)	2008 April 7	[2008] O.J. No. 1317; 166 A.C.W.S. (3d) 399	Ont. S.C.J.	J.N. Morissette J.	Female - *Injury:* 4 months *Trial:* 9 years	$310,000.00	*Future income loss:* $609,228.00 *Loss of income replacement:* $129,518.00 *Past care costs (agreed)* $38,695.56 *Future care costs (agreed)* Initial care costs - $33,000.00 To age 21 – $145,000.00 /yr From age 21 to life – $113,500.00 /yr *Family Law Act:* Mohter - $175,000.00 *Family Law Act:* Father - $100,000.00	Medical Negligence. 9 yrs post-surgery, PL suffered disabilities including left hemiparesis with constricted limbs, no functional use of her left hand and arm, and difficulties walking. Seizure disorder, and significant cognitive and behavioural deficits; minimal educational potential; permanently unemployable and incapable of independent living. Action dismissed - no causation.
S.L. (*Leskovar* in Westlaw)	N.B. (*Braithwaite* in Westlaw)	2008 October 15	[2008] O.J. No. 4013	Ont. S.C.J.	M.H. Tulloch J.	Male 17 years	$200,000.00	*Punitive Damages:* $50,000.00 *Family Law Act claim*: Mother - $35,000.00	Brutal swarming attack. Skin graft to right arm. Broken nose and right testicle had to be removed. Required 30 stitches to his face, 30-35 stitches to his head, and about 10 stitches to his leg. Pain in head and arm continued 2-3 yrs. Pain in groin not resolved. Unable to maintain regular employment or attend school since the attack.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Millar	Waring	2009 April 14	[2009] O.J. No. 1865	S.C.J.	J.R.H. Turnbull J.	Male 49 years at trial	$185,000.00	*Past Loss of Income:* $43,361.00 *Ministry of Health Cosmetic Surgery:* $17,757.43 *Scar Revision:* $3,500.00 *Rhinoplasty:* $3,710.00 *Loss of Income for two weeks for each procedure* $5,804.00 *Left Upper Eye Lid Blepharoplasty:* $3,000.00 *Work Absence Resulting from Surgical Procedure:* $2,902.27 *Future Home Maintenance Costs:* $20,000.00 *Future Loss of Income:* $300,000.00 *Cost of Vocational Training:* $1,600.00 *Cost of Retraining:*	PL was a victim of assault when hit in face by sledgehammer causing the loss of his right eye, skull fracture and brain damage. Injuries sustained by the PL from the assault also affected his lateral visual capacity, depth perception, flexibility, short term memory, cognitive abilities, and his balance. PL's family finds him to be more short tempered, increasingly forgetful, frustrated and less socially interactive. PL also required tear duct replacement implants, as well as vocational rehabilitation, counselling and retraining due to limitations imposed upon him as a result of his injuries. Assailant 50% liable for unlawfully causing serious and permanent personal injury to the plaintiff. Adjacent property owner defendant 35% liable for failing to call 911. Plaintiff 15% contributorily negligent for acting in a manner likely to expose himself to physical harm.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								$5,000.00	
Marcoccia (Litigation Guardian of) Appeal allowed in part	Ford Credit Canada Ltd.	2009 April 20	[2009] O.J. No. 1548	Ont. C.A. Toronto, Ontario	M. Rosenberg J.C. MacPherson P.S. Rouleau JJ.A.	Male 20 years	$312,000	*Loss of Past Income:* $5,322 *Loss of Future Income:* $1,384,918 *Future Care Costs:* $13,952,064 *Costs:* $720,000 (reduced to $657,551 on appeal)	MVA causing serious injuries to frontal and temporal lobes. Diminished functioning and enduring physical, psychological, behavioural and emotional impairments that prevent leading a normal life. Appeal reduced the substantial indemnity costs award.
Watts	Donovan	2009 May 28	[2009] O.J. No. 2208	S.C.J.	J.R. MacKinnon J.	Female 29 Years	$95,000	*Loss of Future Income:* $60,000 *Housekeeping Assistance:* $10,000 *Family Law Act:* Husband - $10,000 (Loss of care guidance and companionship)	MVA causing whiplash and mild brain trauma. Poor sleep, chronic pain, P.T.S.D., and emotional vulnerability. Thin skull.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Randall (Litigation guardian of) No liability - damages calculated but not awarded. Appeal allowed. New trial ordered.	Lakeridge Health Oshawa	2009 February 17 2010 July 28	[2009] O.J. No. 683 [2010] O.J. No. 3227	S.C.J. ONCA	B.A. Glass J. Juriansz Gillese LaForme JJ.A.	Male (At birth)	$275,000.00 No liability - damages calculated but not awarded.	*Family Law Act claims:* Father - $60,000.00 Mother - $60,000.00 *Future wage loss:* $1,562, 860.00 *OHIP:* $81,007.34 + $447.57/year in future. *Past Attendant Care:* $300,000.00 *Future care costs:* (See case for extensive list.)	Medical malpractice - At birth plaintiff was deprived of oxygen for several minutes resulting in significant brain damage, cerebral palsy, quadriplegia, developmental disorder & delays, difficulty speaking & walking. The plaintiff also experiences seizures. Life expectancy set to age 65. Action dismissed. Appeal allowed. Trial judge failed to consider the possibility that an earlier delivery by c-section could have prevented injuries to the child.
Galka	Stankiewicz	2010 May 17	[2010] O.J. No. 2046	S.C.J.	D.F. Baltman J.	Male 45 years	$225,000	*Loss of Future Income:* $1,500,000 *Future Care Costs:* $1,087,342 (reduced by 15% for contingencies)	An arrow pierced Plaintiff's left eye and lodged into his brain. Suffers from ongoing partial deafness, mobility & cognitive problems. Panic attacks and profound depression. Damages reduced 50% due to contributory negligence.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
James	Harper	2010 August 30	[2010] O.J. No. 4373	Ont. S.C.J.	DiTomaso J.	Male 46	$200,000	*Aggravated Damages:* $10,000 *Lost wages and out-of-pocket expenses:* $21,530.90 *Loss of competitive advantage:* $50,000.00 *Subrogated OHIP claim:* $36,850.19 *Family Law Act Claim (Wife):* $30,000 *Family Law Act Claim (2 children):* $15,000	Defendant struck plaintiff on the right side of the head with a hammer, dragged him across a driveway by his legs, and kicked him repeatedly in the face. General Damages: Serious head trauma resulting in chronic pain causing nausea, headaches causing nausea, up to 25 migraines per month. Plaintiff suffers from dysphasia. Developed extreme sensitivity to cold and must wear hat even in summer. Diagnosed with a significant brain injury with reduced attention span and memory loss. He suffers from irritability, mood swings and depression. He suffers problems with eye-hand co-ordination and positional vertigo. Feels a loss of sensation on the left side of his body and face. Suffers from PTSD, lives in constant fear of reinjuring his head, no longer enjoys sexual intercourse. Aggravated damages: Because of the vicious and the brutal assault plaintiff is entitled to aggravated damages

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Tubis	Zochowski	2011 Oct 7	[2011] O.J. No. 4408	Ont. SCJ	Lederer, J.	Female 79 years	$60,000	*Pecuniary:* $6,400 *Family Law Act Claim – Husband*: $10,000 *Family Law Act Claim – Son*: $2,000 *Loss of Income* – Son: $15,000	Internal bleeding of the head, loss of consciousness, fractured rib, broken front teeth resulting in extraction and bridge, facial fractures, multiple lacerations and abrasions to body. All resulting in chronic pain. Fatigue and insomnia. Behavioural changes. Difficulty with speech. Postraumatic headaches. Depression and stress.Inability to care for self and need for constant supervision. Plaintiff sought default judgment due to undefended claim, court awarded.
McLean	Knox	2012 February 14	[2012] O.J. No. 636	Ont. SCJ	R.J. Smith J	Male	$174,553 (including pre-judgment interest)	*Loss of Future Income:* *$117,200*	Plaintiff was in MVA in which Defendant hit his vehicle. Other defendants included the bar deemed to have over-served the driver. Plaintiff suffered concussion, possible brain injury, elbow fractures leading to surgery and difficulty returning to work. Exacerbated by pre-existing learning disability that made new training difficult. Liability apportioned to 84% Defendant driver, 1% Defendant bar owners, 15% Plaintiff. Jury award, modified by judge.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lee (Litigation Guardian of)	Toronto District School Board	March 14, 2013	[2013] O.J. No. 1157	S.C.J.	Lauwers J.	Male 7 years	General Damages $300,000.00	*Future Care Costs:* $2,687,442 *Loss of Income:* 1,864,021 *Family Law Act claims:* Parents $50,000 each *Family Law Act claims:* Sister $30,000	Suffered brain haemorrhage after blow to head. Some paralysis in left arm and left leg. No functionality in his left hand. Vision field limitations on the left side in both eyes. He has some cognitive impairments such as delayed processing speed, problems finding words, lacks the ability to concentrate. He has depression and anxiety. Damages discounted 17.5% because of pl.'s diagnosed with AVM. Reduction does not apply to general or *Family Law Act* damages.
Sica	Doe	2014 March 17	[2014] O. J. No. 1219	Ont. S.C.J.	M.A. Garson J.	Male 35	$35,000	*Subrogated OHIP:* $398 *Subrogated Criminal Injuries Compensation Board:* $4,000	Plaintiff was assaulted. Plaintiff suffered from cut under his eye, bruising to his face and eye, arm and hand. He had headaches, and pain in his neck, shoulder and lower back. He was later diagnosed with ongoing social anxiety, and post-concussion syndrome, which includes severe headaches, blurred vision, fatigue, and loss of appetite. He has a permanent scar under his left eye. Undefended trial.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Doxtater	Farrish	2014 July 16	[2014] O.J. No. 3411	Ont. S.C.J.	J.M. Morrissette J.	Female 35	$100,000	*Loss of Competative Edge*: $50,000 *Family Law Act Claim*: *Husband* $15,000 *Family Law Act Claim: Two Children* $15,000 each	Plaintiff was in motor vehicle accident. Plaintiff suffered from bruising and injuries all over her face and body from broken glass; lesions on her legs, chest, abdomen, and neck; persistant pain in her right shoulder, right chest, neck, right knee, and lower back, memory and concentration difficulties, mild tramatic brain injury; and anxiety and major depression disorder. She has decreased desire for social or recreational activity. Plaintiff's impairments are permanent.
Khelifa Appeal dismissed. Trial judgement affirmed	Ontario Corp. 1358584	2015 February 13 2016 September 23	[2015] O.J. No. 888 2016 ONCA 698	Ont. S.C.J. Ont. C.A.	D.A. Wilson J. John Laskin J.A., K. Feldman J.A., and C.W. Hourigan J.A.	Female 34 years	$175,000	*Future care costs*: $100,000 *Future loss of income*: $125,000 *Subrogated OHIP claim*: $79,698	Plaintiff slipped on ice on fire escape. Plaintiff suffered laceration to her scalp, mild traumatic brain injury, burst fracture and transverse process fractures to her lumbar spine, fracture to her thoracic spine, factures and permanent articular cartilage damage in both ankles. Plaintiff continues to suffer from post-traumatic stress disorder, headaches, and ongoing back, leg and foot pain. Unclear if pre-existing depression was aggravated by her injuries.

Brain & Skull									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Cadieux (litigation guardian of)	Susan Cloutier, Pilot Insurance Company and Eric Saywell and the Wawanesa Mutual Insurance Company	2016 December 23	[2016] O.J. No. 6653	S.C.J	C.T. Hackland J.	Male	$225,000.00	*Past Loss of Income:* $133,741.00 *Loss of Future Earnings*: $971,000.00 *Loss of Future Care Costs*: $824,059.00 *Family Law* Act-*Father*: $80,000.00 *Family Law Act-Brother*: $11,730.00	Plaintiff and defendant were in a fight on or near the shoulder of the road. The defendant pushed the plaintiff onto the road. Plaintiff was run over by a truck and suffered a fractured skull, brain damage and orthopaedic injuries. Damages reduced by 1/3 for plaintiff's contributory negligence.

Ears/Hearing									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McGeoch	Arciszewski	1999 September 30	[1999] O. J. No. 4148	S.C.J. London, Ontario	W. Jenkins J.	Male 57 years	$130,000.00		Negligent medical treatment following knee replacement surgery. Knee infected. Antibiotic puck inserted and IV administered. Physician on vacation. Ototoxicity and permanent damage to inner ear. Drug overdose destroyed inner ear cilia. Permanent loss of balance.
Gray	Macklin	2000 Additional Reasons (2001)	[2000] O. J. No. 4603, 7 M.V.R. (4th) 264, 4 C.C.L.T. (3d) 13 Additional Reasons: [2001] O. J. No. 664 (QL)	S.C.J. Newmarket, Ontario	Shaughnessy J.	Female 15 years	$175,000.00	*Future loss of income:* $764,693.30 *Future care expenses*: $81,203.05 *Family Law Act Claims*: Mother - $30,000.00 Father - $12,000.00 Brother (passenger in car) - $7,500.00	Car accident. Basal skull fracture. Hemorrhage into left temporal lobe. Affected ability to discriminate and understand speech. Fracture of left petrous and temporal bones of skull – loss of hearing. Numerous other fractures, lacerations, ligament tears. Psychological impairments. Affected ability to enjoy life and be employed.
Mirembe	Tarshis	2002 July 2	[2002] O. J. No. 2704; [2002] O.T.C. 456	S.C.J. Toronto, Ontario	Lang J.	Female 60 years	$100,000.00 (provisionally)	$188,904.00 (provisionally)	Failure to diagnose. Diagnosed as viral infection instead of Garasone ototaxity. Medication Garasone caused permanent loss of balance. Dizziness. Action dismissed – no causation.

Ears/Hearing									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
White	Aransibia	2003 January 17	2003 CasrwellOnt 2411	S.C.J. Brampton, Ontario	Belleghem J.	Male 41 years	$100,000.00		Basal skull fracture and closed head injury. Complains of ongoing problems with ringing in his ears, irritability, short temper, memory loss and cognitive dysfunction. Was off work for more than a year and underwent extensive rehabilitation.
Vagliardo	Arnaiz	2004 June 24	[2004] O.J. No. 3428	S.C.J.	Wright J.	Male 38 years	$75,000.00	*Past Income Loss:* $25,130.00 *Future Loss of income*: $94,950.00	Sustained an injury to the left side of his head with temporary hearing loss. A left shoulder injury, neck injury and a lower back injury. His injuries were accompanied with headaches and persistent pain. His main complaints are neck pain and lower back pain.
Spring	Zellers Inc.	2005 August 12	[2005] O.J. No. 3402	S.C.J.	Walters J.	Female	$35,000.00	*Future Care Cost* $5,000.00	Bruising of the right ear, right jaw, and watering of her right eye. Constant headache on her right side. Soft tissue injury to her neck, shoulder and arm has not resolved and she is now in chronic pain and is being treated for depression because of this chronic pain. She continues to have pain and stiffness in the right hand and arm and at times her hand is swollen and dusty in color.
Place	Ali	2007 June 27	[2007] O.J. No. 2526	Ont. S.C.J. Hamilton ON	N. Borkovich J.	Female, 23 years	$125,000.00	*Past income loss:* $119, 471.00 *Future income loss:* $250,000.00	Motor vehicle accident. Chronic pain in relation to her neck, back, shoulder and hip, disposition to further depressive, psychological problems and permanent loss of hearing and loss of balance.

Ears/Hearing									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Galka	Stankiewicz	2010 May 17	[2010] O.J. No. 2046	S.C.J.	D.F. Baltman J.	Male 45 years	$225,000	*Loss of Future Income:* $1,500,000 *Future Care Costs:* $1,087,342 (reduced by 15% for contingencies)	An arrow pierced Plaintiff's left eye and lodged into his brain. Suffers from ongoing partial deafness, mobility & cognitive problems. Panic attacks and profound depression. Damages reduced 50% due to contributory negligence.

Ears/Hearing									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Wieslawa Soczek	Jan Soczek and Allstate Insurance Company of Canada	2016 June 3	[2016] O.J. No. 3110	S.C.J	M.D. Faieta J.	Female, 52	$225,000.00	*Aggravated damages*: $100,000.00 *Punitive damages:* $75,000.00 *Past lncome loss*: $232,479.00 *Future Income Loss:* $426,211.50.00 *Past care costs:* $61,332.83.00 *Future care costs*: $5,427.50 for physiotherapy and $2,250.00 for massage	Defendant set plaintiff on fire and stabbed her. Plaintiff suffered third degree burns to 37% of her body, including to her face, chest, hands, fingers, lips, head, arms, ears, shoulders, upper back, neck, and nose. Plaintiff also suffered grade 3 inhalational injury to her lungs, requiring a left chest tube tracheotomy. Her scalp was burned, causing scarring and loss of hair. Both of her eyes were burned, causing damage to her vision. She lost part of her right ear, and also suffered significant hearing loss in that ear. Plaintiff has had more than 30 surgeries for debridement, skin graft surgeries, and reconstructive cosmetic surgeries including a right lower ear lobe reconstruction, right and left neck reconstruction, and left hand web space reconstruction. More surgery will likely be required. Plaintiff suffers from depression, anxiety, nightmares, stress, constant fear, a deep sense of loss, and social anxiety. She has persistent pain and limitation of movement, permanent scarring and disfigurement, permanent physical restrictions, and is permanently unable to work in any capacity.

Eye/Sight									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Dryden (Litigation Guardian of)	Campbell Estate	2001 February 28	[2001] O.J. No. 829; (2001), 11 M.V.R. (4th) 247; (2001), O.T.C. 143	S.C.J. Hamilton, Ontario	Cavarzan J.	Male 13 years	$250,000.00	*Future loss of earnings*: $841,054.00 *Family Law Act claims*: Parents - $50,000.00 each *Family Law Act claims* 2 sisters - $15,000.00 each *Family Law Act claims* Grandfather - $1,500.00	Student. Depressed fracture of skull, subdural hematoma, broken facial bones, injured left eye, fractured left femur. Diabetes insipidus. 24 hour supervision. Unlikely to be competitively employable. Numerous other expenses reimbursed.
Cook	Stein	2001 March 15	[2001] O.J. No. 980, affirming [2000] O.J. No. 2467 [2000] O.T.C. 17 (S.C.J.), Brennan J.	Ont. C.A.	McMurtry, Finlayson, MacPherson JJ.A.	Male	$80,000.00	*Futur Loss of Income*: $674,308.25	Substantial loss of vision due to delay in diagnosing detached retina. Affected present and future employment.
Mayburry	Ontario (Liquor Control Board)	2001 April 12	[2001] O.J. No. 1494 [2001] O.T.C. 271, affirmed [2002] O.J. No. 1177 (2002) 163 O.A.C. 192 (C.A.)	S.C.J. Newmarket, Ontario	Boyko J.	Female	$70,000.00	*Future loss of earnings*: $81,540.00 *Family Law Act claim*: Husband - $7,000.00 Son - $2,500.00 Mother – $1,500.00	Ruptured anterior chamber of left eye. Emergency surgical intervention. Scarring. Could only see by tilting head 180º. 2 additional surgeries and implants required. Psychological trauma. Glaucoma. Further transplants req'd.

Eye/Sight									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Bakhtiari	Axes Investment Inc.	2001 November 30	[2001] O.J. No. 4720 (2001) 24 M.P.L.R. (3d) 248, [2001] O. T.C. 855 Additional Reasons: [2003] O. J. No. 158	S.C.J. Toronto, Ontario	Lane J.	Male 20 years	$100,000.00	*Future loss of income*: $377,510.00 *Family Law Act claim*: Brother - $10,000.00	Smoke inhalation. Chemical burn to eyes. Serious injury to plaintiff's mother. Plaintiff suffered from guilt. Psychological problems. Some degree of dementia 5 years earlier than would have been the case. Intellectually capable and got engineering degree but concentration impaired.
Sookram	MacDonald	2002 February 26	[2002] O.J. No. 732 [2002] O.T.C. 151	S.C.J. Toronto, Ontario	Cameron J.	Male 72 years	$55,000.00 (provisionally)		Lost sight in left eye. Endophthalmitis. Dangerous viral infection following cataract surgery. Cataract wld result anyway in 3-7 years.
McLean	Seisel	2002 June 3	[2002] O. J. No. 2195; [2002] O.T.C. 492	S.C.J. Toronto, Ontario	Dyson J.	Female 38 years	$100,000.00	*Family Law Act* Mother – $10,000.00 Sister – $4,000.00 Daughter - $8,000.00	Use of tear gas blast by investigating – Legally blind in one eye. Plaintiff was mentally ill and schizoaffective. Had periodic episodes of psychiatric behaviour and was out of control when police were called in. Disfigurement. Psychological trauma. Previously employed as telephone sex-operator.
Felde	Vein & Laser Medical Centre	2002 September 26	[2002] O.J. No. 3686; (2002) 14 C.C.L.T. (3d) 246; [2002] O.T.C. 704 [2003] O.J. No. 4654	S.C.J. Toronto, Ontario O.A.C. Toronto, Ontario	Swinton J. Borins J.A. MacPherson J.A. Moldaver J.A.	Female 53 years	$40,000.00		Flight attendant. Underwent cosmetic surgery – bilateral lower lid plepharoplasty. Surgery complications, lid retraction, scleral show. Req'd revisionary operations. Right eye – asymmetric.

Eye/Sight									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Van Dyke	Grey Bruce Regional Health Centre	2003 July 16	[2003] O.J. No. 3047 [2005] O.J. No. 2219 [2005] S.C.C.A. No. 335	S.C.J. Ont. C.A.	Van Melle J. D.H. Doherty, R.J. Sharpe and R.P. Armstrong JJ.A.	Male 35 years	$100,000.00	*Familiy Law Act*: Wife -- $20,000.00	Drugs prescribed for treatment of serious sinus infection destroy hair cells in the ear; affect balance and hearing; result dizziness, headaches, blurred vision; cannot walk on uneven ground, drive or work; Court of Appeal varied finding of liability against doctor and damages award Application for leave to SCC dismissed.
George Action dismissed. Damages assessed nevertheless.	Covent Garden Market Corp.	2007 July 25	[2007] O.J. No. 2903	Ont. S.C.J.	K.F. Ross J.	Female 57 years	$60,000.00	*Special Damages:* $1,628.05 *Chiropractor:* $ 1,726.25 *Family Law Act Claim:* Husband – $5,000.00 *Family Law Act Claim:* Daughter – $1,500.00	Trip and fall. Injuries to her head - no fractures but sustained a contusion to her forehead and a bruise at the corner of her left eye. Small laceration to her left right and a bruise to her left forearm. Right elbow badly bruised and bruise on left shoulder. Fall made fibromyalgia worse. P had history of several prior fall and a long history of prior physical and psychological health problems. P did not establish on a BoP that the D failed in its statutory duty to take reasonable care.

Eye/Sight									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lafond	Roksa	2008 December 3	[2008] O.J. No. 4887	Ontario Superior Court of Justice Hamilton	W.J. Festeryga J.	Male 54 years (FLA) Spouse Female 43 years	$95,000.00	*Past loss of income:* $227,596.10 *Future loss of income:* $113,000.00 *FLA claim: Common-law spouse -* $7,500.00	Plaintiff suffered comminuted fracture of the left orbital floor with significant depression extending to the anterior orbital rim. The fragment is depressed by approximately five millimetres. Permanent loss of sight in the left eye due to severe injury to his left optic nerve. Severe bruises to the face and headaches. Prior to the incident the plaintiff's health was poor. After the incident, the male plaintiff was unable to work full-time and was off work for five months.

Eye/Sight									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Millar	Waring	2009 April 14	[2009] O.J. No. 1865	S.C.J.	J.R.H. Turnbull J.	Male 49 years at trial	$185,000.00	*Past Loss of Income:* $43,361.00 *Ministry of Health Cosmetic Surgery:* $17,757.43 *Scar Revision:* $3,500.00 *Rhinoplasty:* $3,710.00 *Loss of Income for two weeks for each procedure* $5,804.00 *Left Upper Eye Lid Blepharoplasty:* $3,000.00 *Work Absence Resulting from Surgical Procedure:* $2,902.27 *Future Home Maintenance Costs:* $20,000.00 *Future Loss of Income:* $300,000.00	PL was a victim of assault when hit in face by sledgehammer causing the loss of his right eye, skull fracture and brain damage. Injuries sustained by the PL from the assault also affected his lateral visual capacity, depth perception, flexibility, short term memory, cognitive abilities, and his balance. PL's family finds him to be more short tempered, increasingly forgetful, frustrated and less socially interactive. PL also required tear duct replacement implants, as well as vocational rehabilitation, counselling and retraining due to limitations imposed upon him as a result of his injuries. Assailant 50% liable for unlawfully causing serious and permanent personal injury to the plaintiff. Adjacent property owner defendant 35% liable for failing to call 911. Plaintiff 15% contributorily negligent for acting in a manner likely to expose himself to physical harm.

Eye/Sight									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Cost of Vocational Training: $1,600.00 *Cost of Vocational Training:* $1,600.00 *Cost of Retraining:* $5,000.00	
Galka	Stankiewicz	2010 May 17	[2010] O.J. No. 2046	S.C.J.	D.F. Baltman J.	Male 45 years	$225,000	*Loss of Future Income:* $1,500,000 *Future Care Costs:* $1,087,342 (reduced by 15% for contingencies)	An arrow pierced Plaintiff's left eye and lodged into his brain. Suffers from ongoing partial deafness, mobility & cognitive problems. Panic attacks and profound depression. Damages reduced 50% due to contributory negligence.
Sica	Doe	2014 March 17	[2014] O. J. No. 1219	Ont. S.C.J.	M.A. Garson J.	Male 35	$35,000	*Subrogated OHIP:* $398 *Subrogated Criminal Injuries Compensation Board:* $4,000	Plaintiff was assaulted. Plaintiff suffered from cut under his eye, bruising to his face and eye, arm and hand. He had headaches, and pain in his neck, shoulder and lower back. He was later diagnosed with ongoing social anxiety, and post-concussion syndrome, which includes severe headaches, blurred vision, fatigue, and loss of appetite. He has a permanent scar under his left eye. Undefended Trial

Eye/Sight									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Tse	Binns	2014 April 09	[2014] O.J. No. 1756	S.C.J.	Lederer J.	Male 17	$125,000	*Special Damages*: $6,197 *Past Loss of Income*: $3,176	Plaintiff was struck in eye with lit firecracker. Plaintiff suffered permanent loss of eye, and was replaced with a prosthetic. Plaintiff also suffered from headaches, loss of peripheral vision, difficulty playing sports, driving, parking, and other activities. He could not read for long periods of time and suffered discharge from his eye. Contingent risk to lost eye area and potentially increased risk of deterioration of other eye.

Eye/Sight									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Wieslawa Soczek	Jan Soczek and Allstate Insurance Company of Canada	2016 June 3	[2016] O.J. No. 3110	S.C.J	M.D. Faieta J.	Female, 52	$225,000	*Aggravated damages*: $100,000 *Punitive damages:* $75,000 *Past lncome loss*: $232,479 *Future Income Loss:* $426,211.50 *Past care costs:* $61,332.83 *Future care costs*: $5,427.50 for physiotherapy and $2,250 for massage	Defendant set plaintiff on fire and stabbed her. Plaintiff suffered third degree burns to 37% of her body, including to her face, chest, hands, fingers, lips, head, arms, ears, shoulders, upper back, neck, and nose. Plaintiff also suffered grade 3 inhalational injury to her lungs, requiring a left chest tube tracheotomy. Her scalp was burned, causing scarring and loss of hair. Both of her eyes were burned, causing damage to her vision. She lost part of her right ear, and also suffered significant hearing loss in that ear. Plaintiff has had more than 30 surgeries for debridement, skin graft surgeries, and reconstructive cosmetic surgeries including a right lower ear lobe reconstruction, right and left neck reconstruction, and left hand web space reconstruction. More surgery will likely be required. Plaintiff suffers from depression, anxiety, nightmares, stress, constant fear, a deep sense of loss, and social anxiety. She has persistent pain and limitation of movement, permanent scarring and disfigurement, permanent physical restrictions, and is permanently unable to work in any capacity.

Teeth									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Reed	University of Toronto	2000 September 13	[2000] O.J. No. 3388	Ont. C.A.	Laskin, Goudge, Feldman JJ.A.	Female 69 years	$18,000.00		Injuries to mouth and head from sidewalk fall. Dental repair work lasted 1 year. Headaches, residual pain, nightmares.
Zammit	Kukhar	2001 March 12	[2001] O.J. No. 939 Additional Reasons: [2001] O.J. No. 2349.]	S.C.J. Whitby, Ontario	Ferguson J.	Female	$10,000.00		Trauma to tooth and crown. Implant done. Oral surgeon consulted as follow up for 4 months after surgery. Previous treatment for depression and low self-esteem. Incident had catastrophic effect on rehabilitation.
Dusk	Malone	S.C.J.: 1999 October 19 Ont. C.A.: 2002, January 16	S.C.J.: [1999] O.J. No. 3917 Ont. C.A.: [2003] O.J. No. 44; (2003) 167 O.A.C. 333	Ont. C.A. affirming S.C.J. (Toronto, Ontario)	S.C.J.: Brennan J. Ont. C.A.: O'Connor, Catzman, Weiler JJ.A.	2 Male	Plaintiff 1: $75,000.00 Plaintiff 2: 40,000.00	*Family Law Act*: Wife: $5,000.00	Tightness in parts of neck. Pain in chest & back. Restricted neck movement. Facial injury. Requiring plastic surgery. Broken teeth. Knee lacerations requiring sutures. 85% improved 3 years after accident. Whiplash to cervical and lumbar spine. Degenerative disc disease. Numbness and tingling of hands. Spasms. Anxiety. Loss of confidence. Memory loss. Largely recovered 11 years later.
Warnes	Rooney	2002 June 11 Additional Reasons July 19, 2002	[2002] O. J. No. 3015, [2002] O.T.C. 550 Additional reasons: [2002] O. J. No. 3017, [2002] O.T.C. 550	S.C.J. Goderich, Ontario	Donnelly J.	Female Mother 72 years Female Daughter 49 years	$60,000.00 $50,000.00	*Future loss of income*: $5,000.00 *Family Law Act Claims*: Mother's husband: $1,000.00 *Family Law Act Claims* Daughter's husband: $5,000.00	Vehicle broadsided. Trapped in car. Kept head above water to avoid drowning. Simple fractures. Damage to teeth. Fibromyalgia. Daughter suffered from bruises, scalp laceration, fibromyalgia.

Teeth									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lauricella	Hamilton (City)	2003 January 17	[2003] O. J. No. 664; (2003), 35 M.P.L.R. (3d) 183	S.C.J. Simcoe, Ontario	Lofchik J.	Female 18 years	$100,000.00	*Future psychological care*: $8,000.00 *Extra cosmetics & treatment*: $14,500.00 *Teeth veneering*: $500.00 *Family Law Act Claim*: Mother - $15,000.00	Extensive facial injury & lacerations falling off bicycle. Fractured nose. Pulled back appearance. Permanent obstruction of airway. Extensive damage to teeth. Depression. Post-traumatic stress disorder. Low self-esteem. Negative self-image. Four surgeries to repair nose and revise scars. Reduction of damages by 50% damages due to Plaintiffs contributory negligence. Family Law Act is also reduced 50%.
Ernst	Quinonez	2003 September 4	[2003] O.J. No. 4509 [2003] O.J. No. 3781 [2004] O.J. No. 556	S.C.J. Niagara Falls, Ontario	Henderson J.	Male	$25,000.00	punitive damage: $10,000.00	Scrapes and abrasions to forehead, face, chin, arms, and knees; bruises all over body; sore neck; swollen cheek; tingling in fingers; welts on back and legs; chipped 2 teeth; bankart lesion on shoulder that led to subsequent dislocation; shoulder pain expected to continue.
Leonard Appeal Dismissed	Dunn	2006 October 2 2008 May 2	[2006] O.J. No. 3941 [2008] O.J. No. 2051	S.C.J. S.C.J. Divisional Court - Toronto	W. Low G.I. Pardu, S.N. Lederman and F.P. Kiteley JJ.	Male 35 at trial	$10,000	*Special Damages:* $7,547.00 *Aggravated Damages:* $3,000.00	The defendant hit the plaintiff in the mouth with a gloved hand during a hockey game. As a result, the plaintiff's 2 upper incisors were broken above his gum line. Appeal Dismissed

Teeth									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Landreau	Tremblay	2007 November 6	[2007] O.J. No. 5529	S.C.J.	R.A. Riopelle J.	Male	$60,000.00		PL injured as a result of a motor vehicle accident. PL sustained a facial laceration, mild concussion, punctured lip, dislocation of four upper teeth, fractures to a top and bottom molar, and injured shins, finger and toe. Plaintiff 35% contributorily negligent for want of care for personal safety.
Riehl	Hamilton (City)	2012 June 5	[2012] O.J. No. 2491	Ont SCJ	Cavarzan J.	Female 41 years	$75,000	*Past Lost Income: $5,324.64* *OHIP Charges: $1,913.27* *Out-of Pocket Expenses: $255.89* *Past Housekeeping Assistance: $1,200* *Future Wage Loss: $30,000* *Family Law Act Claim – Husband: $1,000* *Costs: Awarded to Plaintiff*	Plaintiff tripped and fell on a roadway. She fractured her tibia, requiring a full leg cast, and loosened her two front teeth. Plaintiff's pre-existing osteo-arthritis accelerated by fall, projected to require future knee replacements. 25% deduction to damages for contributory negligence of Plaintiff.

Teeth									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Tubis	Zochowski	2011 Oct 7	[2011] O.J. No. 4408	Ont. SCJ	Lederer, J.	Female 79 years	$60,000	*Pecuniary:* $6,400 *Family Law Act Claim – Husband*: $10,000 *Family Law Act Claim – Son*: $2,000 *Loss of Income* – Son: $15,000	Internal bleeding of the head, loss of consciousness, fractured rib, broken front teeth resulting in extraction and bridge, facial fractures, multiple lacerations and abrasions to body. All resulting in chronic pain. Fatigue and insomnia. Behavioural changes. Difficulty with speech. Postraumatic headaches. Depression and stress.Inability to care for self and need for constant supervision. Plaintiff sought default judgment due to undefended claim, court awarded.

Teeth									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Dickie	Minett	September 14, 2012	[2012] O.J. No. 4314	SCJ	Bielby J.	Male	$35,000	*Loss of past income:* $10,526.88 *Loss of past income for wife:* $651.48 *Out-of-pocket Expenses:* $287.62 *Surgical Costs:* $424.73 *Subrogated claim from OHIP:* $2,240.45 Family Law Act claim: Wife $3,500.00	Oral surgeon fractured jaw while taking out wisdom tooth. This resulted in pain and having his jaw wired shut for 8 weeks. There is permanent numbness, from nerve damage, to the right side of the lip and chin.
Appeal Dismissed		April 3, 2014	[2014] O.J. No. 1607	ONCA	Rosenberg, Gillese and Strathy JJ.A.				Appeal dismissed. Trial judge did not err.

ARMS

Elbow									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Waterworth (Litigation Guardian of)	Freeman	2001 February 26	[2001] O.J. No. 624	Ont. C.A.	Finlayson, Carthy, Austin JJ.A.	Male 27 years	$250,000.00	*Future loss of earnings*: $647,591.00	Internal abdominal injuries. Closed head injury. Severe fracture of pelvis, left femur and hip. Nerve damage to right hand and elbow. Diminished cognitive skills. Unable to function independently. Eye glasses and speech therapy required.
Farrell (Litigation Guardian of)	1151400 Ontario Inc.	S.C.J.: 1999, November 29 Ont. C.A.: 2001 April 5	S.C.J.: [1999] O. J. No. 4580 Ont. C.A.: [2001] O. J. No. 1349; (2001), 148 O.A.C. 201	Ont. C.A. affirming S.C.J. (Newmarket, Ontario)	S.C.J.: Shaughnessy J. Ont. C.A.: Charron, Rosenberg, Goudge JJ.A.	Female 6 years	$27,000.00	*Family Law Act claims*: Mother - $1,500.00 *Family Law Act claims*: Father - $500.00	Jaguar bite. Deep laceration b/w thumb & index finger. Multiple abrasions on dorsal aspect of 4 fingers. Deep abrasion on right forearm & elbow area. Permanent scarring on 3 fingers.
Williams	Mendez	2003 January 23	[2003] O. J. No. 465 Additional reasons: [2003] O. J. No. 473	S.C.J. Newmarket, Ontario	Shaughnessy R.S.J.	Female 39 years	$120,000.00	*Future loss of earnings* $130,931.20	Multiple soft tissue injuries. Injury to arms, elbow, lower back, neck, shoulders. Disfiguring & permanent scars. Neurostimulator malfunctioned. Significant emotional distress. Likely to be permanent. Assistance with all chores. Lessened sports activities.

Elbow									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Leslie Motion to set aside order *Appeal allowed*	Mississauga (City)	2003 April 1 2003 November 12 2006 July 11	[2003] OJ No. 1188 [2003] O.J. No. 4410 [2006] O.J. No. 2927	S.C.J. S.C.J. S.C.J. Divisional Court	Cameron J. Cameron J. T.M. Dunnet, S.E. Greer and P.G. Jarvis JJ.	Male 79 years	$27,500.00	*Family Law Act claim:* Wife - $2,000.00	Fractured left elbow in fall at ice rink. Surgeries required. Pins and wire were inserted and removed. There is a loss of ability to fully extend the arm, and some residual pain, weakness and disturbed sleep. Trial Judge set aside his own judgement because theoretical basis for judgement not pled by plaintiff *Appeal allowed - Trial Judgment restored.* (Damages reduced by 50% due to contributory negligence)
Walton	Plainsman Dining Rooms Ltd	2004 February 10	[2004] O.J. No. 589	S.C.J. Hamilton, Ontario	Cavarzan J.	Female 64 years Plaintiff: Victim, Husband, Son	$40,000.00	*Family Law Act* Husband- $10,000.00 *Family Law Act* Son- $2,500.00	loss of independence, permanent residual loss of function in her right arm at both the elbow and the wrist, symptoms will slowly and steadily worsen, continue to require medications for pain, inflammation and insomnia. She will likely have further minor complications from the wrist injury.

Elbow									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lytle Appeal dismissed	Toronto	2004 April 15 2006 October 2	[2004] O.J. No. 1570 [2006] O.J. No. 3899	S.C.J. Toronto, Ontario Ont. C.A. Toronto, Ontario	Day J. J. Labrosse, J.C. MacPherson and S.E. Lang JJ.A.	Female	$75,000.00	*Past income loss*: $3,111.00 *Taxi service* $353.00 *Family Law Act* Husband- $15,000.00 *Future care*: $35,000.00 Future Loss of income: $10,000.00	Fell on sidewalk, severely injured her elbow. Suffers fracture of right capitellum, which required surgery under general anaesthesia. She has a 9 cm scar. Chronic pain in her right elbow. Range of motion compromised to minor degree. Cannot do heavy lifting, activities requiring full range of elbow motion. Post-traumatic degenerative arthritis in elbow.
Desbiens	Mordini	2004 November 18	[2004] O.J. No. 4735	S.C.J.	Spiegel J.	Male 56 years	$165,000.00	*Family Law Act:* Wife- $40,000.00 *Future care costs:* $919,400.00	Motor Vehicle/Wheelchair collision -- fractured femur, leg & hip swelling, loss of consciousness, surgery, pressure sore, dizziness, poor memory, sleep disturbance, headaches, back, neck, elbow & knee pain, problems with attention & concentration, emotional distress, severe depression, severe anxiety, chronic back pain; 40% impairment of whole person.

Elbow									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Winters	Loblaws Supermarkets Ltd.	2005 June 14	[2005] O.J. No. 3406	S.C.J.	J.F. McCartney J.	Female	$40,000.00		Liability not established. Damages calculated but not awarded. Slip & fall on allegedly unsafe premises. PL injured back, hip, elbow and neck. All symptoms disappeared within a week except for neck pain. Aggravation of pre-existing neck condition. Difficulty turning neck to left. Leisure activities affected. Constant neck pain.
Parraga Action dismissed. Assessed damages nevertheless.	Ontario (Minister of Finance)	2006 March 1	[2006] O.J. No. 804	Ont. C.A.	B.P. Wright J.	Male	$30,000, increased to $45,000 in the event that the anterior cruciate injury was caused by the car accident.		M.V.A. P was a pedestrian and was struck by unidentified vehicle. Suffered fractured elbow and knee. Actions dismissed. Insufficient proof that P was in fact struck, P's testimony inconsistent and contradictory with that of his witness. Injuries sustained were not permanent serious impairments of an important physical, mental or psychological function. P had not made any attempts to identify the driver of the vehicle under s. 17 of the MVA Claims Act.
George Action dismissed. Damages assessed nevertheless.	Covent Garden Market Corp.	2007 July 25	[2007] O.J. No. 2903	Ont. S.C.J.	K.F. Ross J.	Female 57 years	$60,000.00	*Special Damages:* $1,628.05 *Chiropractor:* $ 1,726.25 *Family Law Act Claim:* Husband – $5,000.00 *Family Law Act Claim:* Daughter – $1,500.00	Trip and fall. Injuries to her head - no fractures but sustained a contusion to her forehead and a bruise at the corner of her left eye. Small laceration to her left right and a bruise to her left forearm. Right elbow badly bruised and bruise on left shoulder. Fall made fibromyalgia worse. P had history of several prior fall and a long history of prior physical and psychological health problems. P did not establish on a BoP that the D failed in its statutory duty to take reasonable care.

Elbow									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Graham	Toronto (City)	2009 September 3	[2009] O.J. No. 4633	S.C.J. Toronto, Ontario	A. Sosna J.	Male	$50,000		No liability – damages calculated but not awarded. Fall causing multiple fractures to left forearm and elbow. Bruising on shin, general tearing and straining of muscles, surgery to insert steel rod into arm and visible 8-9" scar. Damages reduced 50% due to contributory negligence.
Billings	Mississauga (City)	2010	2010] O.J. No. 3304	S.C.J.	C.N. Herold J.	Male	$85,000	*Loss of Past Income:* $25,000 *Special Damages:* $3,127	Damages calculated but not awarded. Slip and fall on icy sidewalk. Fractured tail bone; severe back pain. Head injury. Soft tissue shoulder injury. Bruised elbow. Damages reduced 25% for contributory negligence.
Appeal by Plaintiff		2011	[2011] O.J. No. 1449	Ont. C.A.	D.R. O'Connor A.C.J.O. J.I. Laskin J.C. MacPherson JJ.A.				Appeal dismissed. The city's policy toward snow removal was reasonable and they adhered to the policy.

Elbow									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McLean	Knox	2012 February 14	[2012] O.J. No. 636	Ont. SCJ	R.J. Smith J	Male	$174,553 (including pre-judgment interest)	Loss of Future Income: $117,200	Plaintiff was in MVA in which Defendant hit his vehicle. Other defendants included the bar deemed to have over-served the driver. Plaintiff suffered concussion, possible brain injury, elbow fractures leading to surgery and difficulty returning to work. Exacerbated by pre-existing learning disability that made new training difficult. Liability apportioned to 84% Defendant driver, 1% Defendant bar owners, 15% Plaintiff. Jury award, modified by judge.
Van Staveren Appeal dismissed. Trial judgement upheld.	Coachlite Roller Gardens	2012 December 3 2014 May 14	[2012] O.J. No. 5730 [2012] O.J. No. 5730	Ont. S.C.J. Ont. S.C.J. Div. Court. Oshawa	M.K. McKelvey J. Czutrin Sr. J. Fam. Ct., Kiteley J., Whitaker J.	Male 43 Years	$25,000.00	*Lost Income:* $4,017.00	Plaintiff was skating backwards at defendant's roller rink, when he slipped on a wet floor, fracturing his elbow. Plaintiff was held to be 25% liable for his injuries. Defendant placed a pylon on the rink to warn skaters of the slippery floor, which the plaintiff had previously seen.

Forearm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Bisoukis	Brampton (City)	Ont. Gen. Div.: 1997 July 30 Ont. C.A.: 1999 December 7	Ont. Gen. Div.: [1997] O. J. No. 3206; (1997), 36 O.T.C. 81 Ont. C.A.: [1999] O. J. No. 4598; 180 D.L.R. (4th) 577; 46 O.R. (3d) 417	Ont. C.A. Reversing Ont. Gen. Div.	Ont. Gen. Div.: Langdon J. Ont. C.A.: Doherty, Goudge, Borins JJ.A.	Female	$75,000.00	*Family Law Act claims*: Husband - $7,500.00 *Family Law Act claims* Daughter - $5,000.00	Trial judge dismissed action; Ont. C.A. allowed it. Compound fracture of right distal ulna. Major laceration of right forearm. Soft tissue injuries. Obsessive compulsive personality causing her to overwork. Severe depression.
Farrell (Litigation Guardian of)	1151400 Ontario Inc.	S.C.J.: 1999, November 29 Ont. C.A.: 2001 April 5	S.C.J.: [1999] O. J. No. 4580 Ont. C.A.: [2001] O. J. No. 1349; (2001), 148 O.A.C. 201	Ont. C.A. affirming S.C.J. (Newmarket, Ontario)	S.C.J.: Shaughnessy J. Ont. C.A.: Charron, Rosenberg, Goudge JJ.A.	Female 6 years	$27,000.00	*Family Law Act claims*: Mother - $1,500.00 *Family Law Act claims*: Father - $500.00	Jaguar bite. Deep laceration b/w thumb & index finger. Multiple abrasions on dorsal aspect of 4 fingers. Deep abrasion on right forearm & elbow area. Permanent scarring on 3 fingers.
Manning	3980 Investments Ltd.	2003 April 28	[2003] O. J. No. 1937	S.C.J. Brampton, Ontario	Belleghem J.	Female 59 Years	$20,000.00		Slip and Fall. Injuries to shoulder and arm. Significant cervical strain, abrasions to knee, mild scarring, and major injury to right shoulder.
Lewis	Toronto	2004 November 18	[2004] O.J. No. 5411	S.C.J.	J.F. McCartney J.	Female 55 years	$60,000.00 (provisionally)	Special damages: $20,000.00	Damages calculated but not awarded. Slip and fall on sidewalk. Injuries to arm and shoulder.

Forearm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Cowles	Balac	2005 January 27 2006 December 15	[2005] O.J. No. 229 [2006] O.J. No. 4963	S.C.J. Ontario Court ofAppeal	J.L. MacFarland J. D.R. O'Connor A.C.J.O., S. Borins and P.S. Rouleau JJ.A.	Young female and male	Balac: $225,000.00 Cowles: $210,000.00	*Past loss of income:* Balac- $247,053.00 Cowles- $298,528.00 *Future loss of income:* Balac- $1,191.00 Cowles- $250,000.00 *Family Law Act claims*: Cowles's mother- $20,000.00 *Family Law Act claims* Children $10,000 each *Family Law Act claims* Balac's mother $20,000.00 *Family Law Act* claims: Balac's father- $17, *Family Law Act claims*: Balac's sister $12,000.00 *Costs (including disbursements*) $120,000	Paintiffs attacked by tiger in safari park. Cowles: unsightly scars to hip and scalp, and symptoms of PTSD. Balac: disfigured right forearm and also significantly disabled - fine motor skills lost. He also suffered psychologically. Costs endorsed on appeal.

Forearm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Schade	Chris	2005 June 8	[2005] O.J. No. 3020	S.C.J. Hamilton, Ontario	Milanetti J.	Female 45 years	$35,000.00	*Special damages*: $3,000.00.00 *Family Law Act*: daughter- $1,500.00.00	Permanent scarring on both the inner aspect of her left arm and her left upper thigh. Fracture to her left humerus bone. Sustained burns to both the inner and outer aspects of her left arm.
Spring	Zellers Inc.	2005 August 12	[2005] O.J. No. 3402	S.C.J.	Walters J.	Female	$35,000.00	*Future Care Cost* $5,000.00	Bruising of the right ear, right jaw, and watering of her right eye. Constant headache on her right side. Soft tissue injury to her neck, shoulder and arm has not resolved and she is now in chronic pain and is being treated for depression because of this chronic pain. She continues to have pain and stiffness in the right hand and arm and at times her hand is swollen and dusty in color.
Stroud	Nicholson	2005 August 31	[2005] O.J. No. 3671	S.C.J.	D.R. McDermid J.	Female 54 years	$125,000 (provisionally)		MVA -- cervical sprain, skull fracture, closed head injury, bump on head, headaches, nausea, dizziness, intermittent double vision, bruising on shoulder, chest & hip, pain in arm, hand & leg, memory impairments, incoordination & weakness, numbness in 2 fingers, sore ribs, sleep disturbance, fatigue.

Forearm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Momand	Wild Water Kingdom Ltd.	2005 September 22	[2005] O.J. No. 4025	S.C.J.	H.E. Sachs J.	Female 23 years	$70,000.00	*Past and Future loss of income*: $222,803.72 *Future care costs*: $82,728.27 *Family Law Act*- Husband $12,000.00	Waterslide injury: Struck head when bumped & thrown from inner tube. Whiplash injury to neck, concussion, migraine headaches, pain in neck & shoulder, nausea, dizziness, difficulty concentrating, memory problems, pain in arm & fingers, stiffness & tingling in fingers, chronic pain syndrome, depression. Ongoing and constant headaches.
Appeal allowed in part.		2006 October 31	[2006] O.J. No. 4336	Ont. C.A. Toronto ON	R.P. Armstrong and R.A. Blair JJ.A. and J.D. Cunningham A.C.J.S.C.J. (ad hoc)			*Future care costs:* $72,728.27	Appeal allowed in part: Future care costs awarded regarding costs of Zomig medication reduced to account for expected decreased cost due to generic competition.
Nyamadi	Mississauga (City)	2005 October 7	[2005] O.J.R.E. 97519	S.C.J. Hamilton, Ontario	Morawetz J.	Female 19 years	$35,000.00	*Past Income Loss:* $10,981.61	Headaches, neck strain, right shoulder strain, back pain, chest pain, lower back pain, pain in the arms, bladder injury, muscle spasm, myofascial injuries throughout her body, and contusions. She claims that she suffers, and will continue to suffer permanent and serious psychological injuries, including hypertension, insomnia, fatigue, stress, depression, anxiety, irritability, memory loss, and cognitive difficulties.

Forearm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Henhawk	Brantford (City)	2005 Nov 8	[2005] O.J. No. 5140 Additional reasons at: [2006] O.J. No. 80	S.C.J.	Crane J.	Female 42 Years Old	$60,000	*Loss of Competitive Advantage:* $10,000 *Special damages including subrogated OHIP:* $12,833.78 *Costs:* $34,532.42 plus G.S.T	Plaintiff has sustained four injuries. A laceration to her forehead which resolved within a short time. A fracture of her right wrist and abrasions to her right forearm, which substantially resolved within a relatively short time, a dislocated fracture of the malleolus and fibula which required open reduction, and the most significant of the injuries, a dislocation fracture of the first metatarsal into the joint with the first cuneiform.
Graham	Toronto (City)	2009 September 3	[2009] O.J. No. 4633	S.C.J. Toronto, Ontario	A. Sosna J.	Male	$50,000		No liability – damages calculated but not awarded. Fall causing multiple fractures to left forearm and elbow. Bruising on shin, general tearing and straining of muscles, surgery to insert steel rod into arm and visible 8-9" scar. Damages reduced 50% due to contributory negligence.
Sorrenti	Blair	2013 May 8	[2013] O.J. No. 2119	Ont. S.C.J.	H.A. Rady J.	Female	$75,000.00	*Special Damages:* $20,000.00 *OHIP Subrogated Claim:* $8,726.73	Domestic battery by defendant husband led to fracture in plaintiff's right arm. Required 200 physiotherapy sessions over 20 months. Plaintiff suffers permanent diminution in tensile strength, limited range of motion.

Forearm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Liu	Demasi	2012 July 6	[2012] O.J. No. 3153	Ont. S.C.J.	F.E. Van Melle J.	Male	$30,000.00	*Loss of Income:* $15,000.00 *Future Scar Revision:* $866.00 *Special Damages:* $550.00 *Housekeeping:* Spouse - $2,504.60 *Family Law Act:* Spouse - $3,000.00	Plaintiff was bit several times by defendant's dog. Stitches required on forearm, calf, and flank. Bites were painful and itchy, and left scarring which required revision surgery. Plaintiff suffered anxiety following dog bites, and required a tetanus shot. Plaintiff's finacee was required to take time off work to care for plaintiff.

Hand									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Robinson	Sydenham District Hospital	Ont. Gen. Div.: 1998, September 21 Ont. C.A.: 2000 March 9	Ont. Gen. Div.: [1998] O. J. No. 3844 Ont. C.A.: [2000] O. J. No. 703; 130 O.A.C. 109	Ont. C.A. Reversing Ont. Gen. Div. (Windsor, Ontario)	Ont. Gen. Div.: Cusinato J. Ont. C.A.: Carthy, Charron, Rosenberg JJ.A.	Male 38 years	$70,000.00	*Future loss of income*: $100,000.00 *Family law claims*: Wife: $2,000.00 *Family Law Act claims*: 3 children: $3,000.00 each	Orthopaedic surgeon repaired fractured metacarpal. Post operative immoblization lead to secondary contractures & total disability of left hand. Chequered employment history. No firm job.
Desautels	Katimavik	2000 November 24	[2000] O.J. No. 4665[2000] O.T.C. 853	S.C.J. Barrie, Ontario	Eberhard J.	Female	$250,000.00	*Future loss of earnings*: $500,000.00	Left hemiplegia. No functional use of left hand and tremor in right hand. Support required for walking. Tinnitus and headaches. Mild to moderate neurocognitive difficulties. Depression and anxiety. Suicidal.
Waterworth (Litigation Guardian of)	Freeman	2001 February 26	[2001] O.J. No. 624	Ont. C.A.	Finlayson, Carthy, Austin JJ.A.	Male 27 years	$250,000.00	*Future loss of earnings*: $647,591.00	Internal abdominal injuries. Closed head injury. Severe fracture of pelvis, left femur and hip. Nerve damage to right hand and elbow. Diminished cognitive skills. Unable to function independently. Eye glasses and speech therapy required.
Farrell (Litigation Guardian of)	1151400 Ontario Inc.	S.C.J.: 1999, November 29 Ont. C.A.: 2001 April 5	S.C.J.: [1999] O. J. No. 4580 Ont. C.A.: [2001] O. J. No. 1349; (2001), 148 O.A.C. 201	Ont. C.A. affirming S.C.J. (Newmarket, Ontario)	S.C.J.: Shaughnessy J. Ont. C.A.: Charron, Rosenberg, Goudge JJ.A.	Female 6 years	$27,000.00	*Family Law Act claims*: Mother - $1,500.00 *Family Law Act claims*: Father - $500.00	Jaguar bite. Deep laceration b/w thumb & index finger. Multiple abrasions on dorsal aspect of 4 fingers. Deep abrasion on right forearm & elbow area. Permanent scarring on 3 fingers.

Hand									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Dusk	Malone	S.C.J.: 1999 October 19 Ont. C.A.: 2002 January 16	S.C.J.: [1999] O.J. No. 3917 Ont. C.A.: [2003] O.J. No. 44; (2003) 167 O.A.C. 333	Ont. C.A. affirming S.C.J. (Toronto, Ontario)	S.C.J.: Brennan J. Ont. C.A.: O'Connor, Catzman, Weiler JJ.A.	2 Male	Plaintiff 1: $75,000.00 Plaintiff 2: 40,000.00	*Family Law Act*: Wife: $5,000.00	Tightness in parts of neck. Pain in chest & back. Restricted neck movement. Facial injury. Requiring plastic surgery. Broken teeth. Knee lacerations requiring sutures. 85% improved 3 years after accident. Whiplash to cervical and lumbar spine. Degenerative disc disease. Numbness and tingling of hands. Spasms. Anxiety. Loss of confidence. Memory loss. Largely recovered 11 years later.
Walker	Ritchie	2003 January 3	[2003] O.J. No. 18, [2003] O.T.C. 3	S.C.J. Sarnia, Ontario	Brockenshire J.	Female 17 years	$250,000.00	*Loss of interdependent relationship*: $125,000.00 *Future loss of earnings*: $1,421,225 *Family Law Act Claims*: Mother - $65,000.00 *Family Law Act Claims* Father - $50,000.00 *Family Law Act Claims* 3 sisters - $15,000.00 each	Severe traumatic brain damage. 6 week coma. 6 month amnesia. Severe motor disability. Fracture of right ulna, proximal phalanx of left middle finger, small osteochondral chip of bone anteriorly in left ankle. Lacerations of right forehead & right shoulder. Facial droop, dysarthric speech, jerky eye, slow arm movement. Neurologic effect worsens with time. Unable to retain competitive employment.

Hand									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Stroud	Nicholson	2005 August 31	[2005] O.J. No. 3671	S.C.J.	D.R. McDermid J.	Female 54 years	$125,000.00 (provisionally)		MVA -- cervical sprain, skull fracture, closed head injury, bump on head, headaches, nausea, dizziness, intermittent double vision, bruising on shoulder, chest & hip, pain in arm, shoulder, hand & leg, memory impairments, incoordination & weakness, numbness in 2 fingers, sore ribs, sleep disturbance, fatigue.
Ksiazek Appeal dismissed. Trial judgement upheld.	Newport Leasing Ltd.	2006 November 1 2010 May 11	[2006] O.J. No. 4366 [2010] O.J. No. 1922	S.C.J. Hamilton, Ontario Ont. C.A. Toronto, Ontario	C.R. Harris D.H. Doherty K.N. Feldman E.A. Cronk JJ.A.	Female 19 years	$60,000	*Family Law Act:* Mother - $10,000 Husband - $8,000 Child - $3,000 Child - $3,000 *Lost Income:* $72,800 *Future Care:* $7,500	Car accident; plaintiff suffered two fractured fingers, fractured sternum, soft tissue damage to neck and back; depression and anxiety related to continuing pain Damage award reduced by 25% as a result of plaintiff's failure to attend physiotherapy, take prescribed medications etc.
Hodgins	Barnes	2007 May 22	[2007] O.J. No. 2072	S.C.J.	J.B. Shaughnessy J.	Male 34 at time of trial Approximately 27 at time of incident	$20,000.00	*OHIP:* $2,826.61	The plaintiff's hand was struck by a hockey stick resulting in a non-displaced fracture involving the 5th finger as well as transverse fracture and misalignment of the 4th metacarpal. 2 Surgeries were required. The plaintiff continues to experience ongoing residual intermittent pain and sensitivities to cold.

Hand									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Yovanovich	Windsor (City)	2007 May 31	[2007] O.J. No. 2134	Ont S.C.J.	J.N. Morissette J.	Male 56 years	$100,000.00	*Future loss of income:* $714,450.00 *Pre-judgment interest:* $30,000.00	P is an orthopaedic surgeon. Suffered cut to left elbow, bruise to left knee, separated left shoulder, mild compression of a nerve in the neck with symptoms in his right hand in the web space between the thumb and index finger and a compression injury to his S1 nerve root on the right side which resulted in sciatic numbness and burning in his right leg. Left shoulder deformity arising from the shoulder separation. Knee and elbow have healed, other injuries serious and permanent. Pain is increased by P's type of work.
MacKinnon	Grand River Hospital	2007 June 25 2009 March 27	[2007] O.J. No. 2504 Appeal dismissed: [2009] O.J. No. 1255	Ont. S.C.J. Ont. C.A.	C.A. Tucker J.	Female 48 years	$175,000.00	*Family Law Act claim*: 3 Children – $37,500.00 ($12,500.00 each) *Pecuniary Damages, past and future:* $400,000.00	Medical malpractice. Permanent, debilitating injuries including vascular and nerve damage. Cannot move her left arm or hand. In constant pain. Isolated life, having withdrawn from her family and children. Not expected to ever be able to work again.
Landreau	Tremblay	2007 November 6	[2007] O.J. No. 5529	S.C.J.	R.A. Riopelle J.	Male	$60,000.00		PL injured as a result of a motor vehicle accident. PL sustained a facial laceration, mild concussion, punctured lip, dislocation of four upper teeth, fractures to a top and bottom molar, and injured shins, finger and toe. Plaintiff 35% contributorily negligent for want of care for personal safety.

Hand									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Berketa	Niagara (Regional Municipality) Police Services Board	2008 January 21	[2008] O.J. No. 260	S.C.J.	J.R.H. Turnbull J.	Female 64 years	$25,000.00		Assault by police officer which resulted in bruising and abrasions to her hands. As a result of the assault the plaintiff suffered depression, anxiety, difficulty sleeping, nightmares, and emotional distress. Bruising and abrasions healed in 3 months. Plaintiff was taking anti depressants at time of trial. She continues to have nightmares and anxiety when she sees police.
Sherman	Guckelsberger	2008 December 29	[2008] O.J. No. 5322	S.C.J.	J.A. Milanetti J.	Female 32 years at trial	$25,000.00	*Past Wage Loss:* One week of full-time earnings and two weeks of part-time earnings	No liability – damages calculated but not awarded. PL injured when her motor vehicle was struck from behind. As a result of her injuries, the PL suffered from daily headaches, neck pain, and numbness and tingling in two fingers on her right hand. PL's claim for future wage loss did not meet the threshold of a "permanent, serious impairment of an important physical, mental, or psychological function" under the Insurance Act.

Hand									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Bain	Black & Decker Canada (1989) Inc.	2009 May 27	[2009] O.J. No. 2163	S.C.J.	C.R. Harris J.	Female	$35, 000.00	*Special Damages:* $35.00 *OHIP Subrogation:* $1,413.90 *Family Law Act Loss of Care, Guidance and Companionship:* Husband- $1,500.00 Child 1 – $1, 500.00 Child 2 – $1, 500.00 Child 3 - $1,500. 00	PL sustained an electrical burn from a defective hair-dryer. Burn injury required a tetanus vaccination and resulted in chronic pain and tingling in small finger and palm of PL's right hand. Chronic pain in PL's right hand palm interferes with PL's daily living, work and leisure activities. PL also requires the use of a hand brace for lingering pain and discomfort.
Bourque	St. Joseph Health Centre	2009 October 2	[2009] O.J. No. 4055	S.C.J.	G.D. Lemon J.	Male 51 years	$35,000		No liability – damages calculated but not awarded. Alleged malpractice. Unspecified post-operative infection, severe ulnar neuropathy, numbness in arms & thumbs, pain in arm & hand, recurring back & leg pain and depression.

Hand									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Greenhalgh	Douro-Dummer (Township)	2009 December 17	[2009] O.J. No. 5438	S.C.J. Peterborough, Ontario	P. Lauwers J.	Female 18 years	$275,000	*Family Law Act:* Mother - $60,000 Father - $30,000 *Loss of Past Income:* $23,000 *Loss of Future Income:* $267,359 *Wheelchair Accessible Renovations:* $247,594 *Special Damages:* $5,000	No liability – damages calculated but not awarded. Alleged negligence for failing to erect a 'No Exit' sign. Severe frostbite resulting in loss of eight fingers and both legs being amputated below the knee. Three months hospitalization. Phantom pain in legs & fingers. Cysts and ongoing pain on residual limbs. Occasional back & hip pain. Damages reduced 75% due to contributory negligence.
Valdez	Clarke	2010 January 6	[2010] O.J. No. 31	S.C.J. Hamilton, Ontario	J.A. Milanetti J.	Male 53 years at trial	First MVA - $18,750 Second MVA - $6,250		MVA 1 - Chronic pain syndrome. Soft tissue injuries causing neck & back pain. Nerve root damage in neck, headaches and numbness in fingers. MVA 2 - Aggravation of ongoing neck and back injuries. Defendant's motion for an order that Plaintiff does not meet the threshold for permanent serious impairment is dismissed.

Hand									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.				A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries.
						P1: Female 70 years	P1: $45,000	*P1: Loss of Housekeeping: $3,000* *P1: Special Damages: $250*	P1: stitches to head and leg, cast then crutches, headaches, knee pain.
						P2: Male 37 years	P2: $50,000	*P2:Family Law Act Claim – Wife: $10,000*	P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain.
						P3: Female 30 years	P3: $30,000	*P3: Family Law Act Claim – Husband: $10,000*	P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety.
						P 4: Male 28 years	P4: $60,000	*P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder.
						P5: Male 33 years	P5: $20,000		P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head.
						P6: Male 30 years	P6: $25,000		P6: bruising on mid and low back.

Hand									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)									Cut to head requiring stitches and later infected. Cut to left hand. Abrasions to neck and mid-back. Physiotherapy required.
						P7: Female 27 years	P7: $65,000	*P7: Loss of Future Housekeeping: $5,000* *P7: Loss of Past Wages: $320*	P7: pain and discomfort to face, above left eye, along right side, right elbow, lower back. Compression fracture. Open wound injury to right knee and some bruising. Stress and anxiety. Chiropractor required.
						P8: Male 19 years	P8: $20,000		P8: back and knee pain. Cuts on right hand, near thumb of left hand, skull and chin, resulting in scar. Difficulty sleeping and fatigue.
						P9: Female 38 years	P9: $55,000		P9: anxiety/PTSD. Bruising, back pain. Possible compression fracture.
						P10: Male. 14 years	P10: $65,000	*P10: Loss of Future Housekeeping: $5,000*	P10: cuts on head and arm. Bruising on right shoulder, resulting in rotator cuff tendinitis and muscle strain. Lower back pain. Chronic pain. PTSD. Physiotherapy required.
						P11: Female 39 years	P11: $50,000		P11: whiplash. Bruising to lower left leg, upper left arm, tailbone, and one finger. PTSD.

Hand									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)						P12: Female 29 years	P12: $70,000	*P12: Loss of Future Housekeeping: $25,000* *P12: Special Damages: $6,179.08*	P12: pregnant at time of accident. Ankle, neck and lower back pain leading to chronic pain. Physiotherapy required.
Dhaliwal	Premier Fitness Clubs Inc.	2012 August 15	[2012] O.J. No. 3841	Ont. S.C.J.	K.L. Campbell J.	Male	$25,000.00	*Past Lost Wages:* $780.00 *Special Damages:* $3,104.84 *Future Care Costs:* $20,000.00	Plaintiff lost the tip of his pinky finger on an accident on a weight machine. Plaintiff's shoes slipped as a result of a leak, causing a wet floor. Lost some strength in his pinky, and required a prosthesis tip for appearance. Plaintiff found 50% negligent for his injuries.

Hand									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Kirwan	London (City)	2011 November 22	[2011] O.J. No. 5597	Ont. SCJ	Liederman, J.	Female 58 years	$50,000 + 5% Pre-judgment Interest	*Family Law Act Claim – Husband*: $15,000 + 5% Pre-judgment Interest *Out-of Pocket Expenses*: $5,707.65 + 1.3% Pre-judgment Interest *Cost of Future Doctor Visits*: $1,426.14 *Past Loss of Housekeeping, Home Maintenance Capacity, Past Cost of Care, Future Loss of Care and Past Loss of Capacity to Provide Transport to Daughter*: All to be re-calculated by the parties due to mistakes made by the Plaintiff – exchange rate, hourly rates and life expectancy must be re-assessed because the Plaintiff lives in Ireland	Plaintiff fell on uneven sidewalk in Defendant city. She injured her left hand, resulting in severe cuts and stitches. Plaintiff wedding ring and eternity ring were cut off at the hospital. Required plastic surgery, and may need surgery for the implantation of an artificial joint. Loss of full range of motion. Physical therapy required. Plaintiff was visiting from Ireland.

Hand									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Parasiliti Action dismissed. Damages assessed	Beatty	2015 October 08	[2015] O.J. No. 5212	Ont. S.C.J.	Baltman J.	Female 40 years	$40,000.00	*Loss of Future Income;* $35,000.00	Plaintiff fell on her left hand, had emergency treatment, but was delayed in treatment by the referred doctor. Plaintiff suffered 3 severely broken fingers, and wore a cast for approximately 6 weeks. She had intensive physical therapy for several months. Plaintiff then underwent surgery to help with finger movement. Permanent injuries include stiffness of the 3 fingers; inability to curl those fingers to her palm; significantly reduced grip strength; and impaired finger dexterity.
Zaravellas	Armstrong and the Toronto Transit Commission	2016 June 3	[2016] O.J. No. 3020	S.C.J	S.A.Q. Akhtar J.	Male	$5,000.00		The doors of a TTC streetcar closed on the plaintiff's hand. Plaintiff was diagnosed with a soft tissue injury. The plaintiff claimed that he could no longer drive a bus and that his mental health deteriorated as a result of the injury. Action dismissed. The defendant Armstrong was not negligent. Damages assessed.

Wrist									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Abou-Marie (Litigation Guardian of)	Baskey	2001 October 1	[2001] O.J. No. 4898; 56 O.R. (3d) 360	S.C.J. Toronto, Ontario	Jennings J.	Female 10 years	$100,000.00	*Family Law Act Claims*: Mother - $18,000.00 *Family Law Act Claims* Father - $18,000.00 *Family Law Act Claims* Sister - $8,000.00 *Family Law Act Claims* 2 brothers – $5,000.00 each	Severe closed head injury. Compound fracture of wrist. Scarring. Coma for 13 days. Contusion. Residual intellectual impairment. Re-learn basic skills. Could continue school and university but loss of pre-accident potential. Increased tearfulness, tantrums, psychological problems.
Walton	Plainsman Dining Rooms Ltd	2004 February 10	2004 CaswellOnt 635	S.C.J. Hamilton, Ontario	Cavarzan J.	Female 64 years Plaintiff: Victim, Husband, Son	$40,000.00	*Family Law Act* Husband- $10,000.00 *Family Law Act* Son- $2,500.00	loss of independence, permanent residual loss of function in her right arm at both the elbow and the wrist, symptoms will slowly and steadily worsen, continue to require medications for pain, inflammation and insomnia. She will likely have further minor complications from the wrist injury.

Wrist									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Ondrade No liability - damages calculated but not awarded.	Toronto (City)	2006 May 2	[2006] O.J. No. 1769	S.C.J.	W. Low J.	Male 63 years	$30,000 No liability - damages calculated but not awarded	*OHIP subrogated claim:* $5,000.00	Slip & Fall where the plaintiff suffered a fractured wrist. He also injured his knee and hip resulting in pain. Plaintiff's hip pain was resolved in months. His knee pain was diagnosed as knee synovitis and was determined to be a previous condition which was aggravated by the accident for no more than 6 months. Plaintiff experiences wrist pain, a mild wrist deformity and a 50% reduced grip & pinch strength. The Plaintiff has a chance of developing arthritis. Action dismissed.
George Action dismissed but assessed damages nevertheless.	Covent Garden Market Corp.	2007 July 25	[2007] O.J. No. 2903	Ont. S.C.J.	K.F. Ross J.	Female 57 years	$60,000.00	*Special Damages:* $1,628.05 *Chiropractor:* $ 1,726.25 *Family Law Act Claim:* Husband – $5,000.00 *Family Law Act Claim:* Daughter – $1,500.00	Trip and fall. Injuries to her head - no fractures but sustained a contusion to her forehead and a bruise at the corner of her left eye. Small laceration to her left right and a bruise to her left forearm. Right elbow badly bruised and bruise on left shoulder. Fall made fibromyalgia worse. P had history of several prior fall and a long history of prior physical and psychological health problems. P did not established on a BoP that the D failed in its statutory duty to take reasonable care.

Wrist									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Goodridge Action dismissed but assessed damages nevertheless.	King	2007 October 30	[2007] O.J. No. 4611	Ont. S.C.J.	T.A. Platana J.	Female 15 years	$55,000.00	*Family Law Act Claim:* Mother – $7,500.00	M.V.A. Blow to head, cut in right shoulder that has scared. Cuts and scratches to right side of face. Memory problems and difficulty traveling in small vehicles unless she is driving. Injury to left wrist and thus cannot do as many sports and must be careful at work as a bartender. Loss of sense of smell and taste but latter is returning in part (however J did not attribute loss of taste or smell to the accident).
Hibberd Appeal dismissed. Trial judgement upheld.	William Osler Health Centre	2009 February 13 2010 April 23	[2009] O.J. No. 588 [2010] O.J. No. 1648	S.C.J. Ont. C.A. Toronto, Ontario	L.A. Pattillo J. R.A. Blair, H.S. LaForme JJ.A. and S.B. Durno J. (ad hoc)	Female	$25,000. 00	*Past Loss of Income:* $132,346. 00 *Prospective Pecuniary Loss:* $100,000. 00 *Special Damages:* $3,456.55	PL dental surgeon broke her left wrist as a result of a slip and fall accident. PL's left wrist was placed in a cast for six weeks, and then requiring a further five months of physiotherapy. PL unable to perform surgery or other procedures which required the use of her left hand while her wrist was placed in a cast and for two to three months after the cast was removed. Real and substantive risk of future rupture of tendon in left wrist.

Wrist									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Rollin Appeal allowed in part.	Baker	2009 January 19 2010 September 2	[2009] O.J. No. 225 [2010] O.J. No. 3665	S.C.J. Ont. C.A. Toronto, Ontario	K. A. Carpenter-Gunn J. R.A. Blair, R.G. Juriansz (dissenting) and G.J. Epstein JJ.A.	Female 56 years at trial	$90, 000 (Reduced to $30,000 on appeal)	*Special Damages* *Past Income Loss:* $1,000 *Subrogated Claim of Ministry of Health and Long Term Care:* $10,078.05 *Future Lost Income:* $10,000	Defendant general surgeon negligently performed closed reduction surgery on the PL's left wrist which was fractured as a result of a slip and fall accident. PL suffers from ongoing pain in wrist area, residual problems with wrist rotation, deformed appearance of left wrist, and experiences difficulty performing daily personal, leisure and household activities. At the time of the incident the PL weighed in excess of 300 pounds and suffered from multiple health concerns predating her accident including bilateral knee problems, low back pain, neck pain, and emotional difficulties which included a panic disorder and depression.
Schmor Estate	Weber	2010 January 27	[2010] O.J. No. 837	S.C.J.	C.E. Brown J.	Female 91 years	$50,000	*Family Law Act:* First Daughter - (primary caregiver) $20,000 2nd Daughter - $10,000	Plaintiff hit her head on a protruding trailer hitch. Falls and fractures her hip and wrist. Requires surgery. Suffers pain in hip & wrist, difficulty walking and weakness in arms. Problems ongoing until her death three years later.

Wrist									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.				A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries.
						P1: Female 70 years	P1: $45,000	*P1: Loss of Housekeeping: $3,000* *P1: Special Damages: $250*	P1: stitches to head and leg, cast then crutches, headaches, knee pain.
						P2: Male 37 years	P2: $50,000	*P2:Family Law Act Claim – Wife: $10,000*	P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain.
						P3: Female 30 years	P3: $30,000	*P3: Family Law Act Claim – Husband: $10,000*	P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety.
						P 4: Male 28 years	P4: $60,000	*P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder.
						P5: Male 33 years	P5: $20,000		P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head.
						P6: Male 30 years	P6: $25,000		P6: bruising on mid and low back.

Wrist									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)									Cut to head requiring stitches and later infected. Cut to left hand. Abrasions to neck and mid-back. Physiotherapy required.
						P7: Female 27 years	P7: $65,000	*P7: Loss of Future Housekeeping: $5,000* *P7: Loss of Past Wages: $320*	P7: pain and discomfort to face, above left eye, along right side, right elbow, lower back. Compression fracture. Open wound injury to right knee and some bruising. Stress and anxiety. Chiropractor required.
						P8: Male 19 years	P8: $20,000		P8: back and knee pain. Cuts on right hand, near thumb of left hand, skull and chin, resulting in scar. Difficulty sleeping and fatigue.
						P9: Female 38 years	P9: $55,000		P9: anxiety/PTSD. Bruising, back pain. Possible compression fracture.
						P10: Male. 14 years	P10: $65,000	*P10: Loss of Future Housekeeping: $5,000*	P10: cuts on head and arm. Bruising on right shoulder, resulting in rotator cuff tendinitis and muscle strain. Lower back pain. Chronic pain. PTSD. Physiotherapy required.
						P11: Female 39 years	P11: $50,000		P11: whiplash. Bruising to lower left leg, upper left arm, tailbone, and one finger. PTSD.
						P12: Female 29 years	P12: $70,000	*P12: Loss of Future Housekeeping: $25,000* *P12: Special Damages: $6,179.08*	P12: pregnant at time of accident. Ankle, neck and lower back pain leading to chronic pain. Physiotherapy required.

Wrist									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Shaw	Shaw	2012 January 26	[2012] O.J. No. 314	Ont. SCJ	Blishen, J.	Female 63 years at time of trial, approximately 59 at time of incident	$65,000	*Loss of Competitive Advantage: $25,000* *Future Care: TBD based on actuararial findings*	Plaintiff was assaulted by Defendant, her husband. Dominant (right-hand) wrist equired surgery and the insertion of screws and a metal plate, along with cast. Diminished range of motion, pain and discomfort, weakness and numbness in fingers. Phsyiotherapy required. Sleep deprivation, depression and suicidal ideation resulting in hospitalization and psychiatric oversight.
Carr	Ottawa Police Services Board	2017 July 14	2017 ONSC 4331	S.C.J	Sylvia Corthorn J.	Female	$97,500.00 (including $7,500.00 for breach of Charter rights)	*Loss of earning capacity:* $120,000.00 *Future counselling*: $20,000.00 *Out of pocket expenses* $17,226.84	Plaintiff suffered damages as a result of false arrest, wrongful imprisonment, excessive use of force, and violation of her Charter rights. Officers did not have authority to arrest plaintiff without a warrant. Excessive force was used against the plaintiff. Plaintiff's clothing was removed and she was left naked in a holding cell for over two hours. She suffered fractures to two bones in her wrist, cuts and scrapes to the lower portion of her legs, bruising and abrasions to her head, right shoulder, lower legs, and top of her right foot. She was diagnosed with Post-Traumatic Stress Disorder. The plaintiff's section 7,8,9 Charter rights were violated.

Whole Arm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
MacKinnon	Grand River Hospital	2007 June 25 2009 March 27	[2007] O.J. No. 2504 Appeal dismissed: [2009] O.J. No. 1255	Ont. S.C.J. Ont. C.A.	C.A. Tucker J.	Female 48 years	$175,000.00	*Family Law Act claim*: 3 Children – $37,500.00 ($12,500.00 each) *Pecuniary Damages, past and future:* $400,000.00	Medical malpractice. Permanent, debilitating injuries including vascular and nerve damage. Cannot move her left arm or hand. In constant pain. Isolated life, having withdrawn from her family and children. Not expected to ever be able to work again.

Whole Arm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Thornhill (Litigation Guardian of)	Shadid	2008 January 31 Additional reasons re non-wage benefits, costs, and protected-unprotected defendants and apportionment issues 2008 May 20	[2008] O.J. No. 372 [2008] O.J. No. 2001	S.C.J. Newmarket, Ontario	P.H. Howden J.	Female 30 years	$225,000.00	*Past loss of earnings*: $106,232.00 *Future loss of earnings:* $932,300.00 *Additional loss re surgery:* $23,300.00 *PV of future pension losses:* $29,200.00 *Future care costs:* $481,500.00 *Moving costs:* $17,800.00 *Family Law Act Claims*: Husband - $35,000.00 Son- $25,000.00	Motor vehicle accident. Contusion over her left shoulder, fractured ribs, a fractured right arm, a laceration over her right knee and, most significantly, open fractures to two of the three principal components of her right knee. Knee injury very severe. Serious permanent limitations and arthritic changes in the joint restrict her to part-time sedentary work and few activities. Endured six surgeries. Expected to undertake more over the next two decades.

Whole Arm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Huinink (Litigation guardian of) Action dismissed but costs assessed nevertheless.	Oxford (County)	2008 April 7	[2008] O.J. No. 1317; 166 A.C.W.S. (3d) 399	Ont. S.C.J.	J.N. Morissette J.	Female - *Injury:* 4 months *Trial:* 9 years	$310,000.00	*Future income loss:* $609,228.00 *Loss of income replacement:* $129,518.00 *Past care costs (agreed)* $38,695.56 *Future care costs (agreed)* Initial care costs - $33,000.00 To age 21 – $145,000.00 /yr From age 21 to life – $113,500.00 /yr *Family Law Act:* Mother - $175,000.00 *Family Law Act:* Father - $100,000.00	Medical Negligence. 9 yrs post-surgery, PL suffered disabilities including left hemiparesis with constricted limbs, no functional use of her left hand and arm, and difficulties walking. Seizure disorder, and significant cognitive and behavioural deficits; minimal educational potential; permanently unemployable and incapable of independent living. Action dismissed - no causation.
Bourque	St. Joseph Health Centre	2009 October 2	[2009] O.J. No. 4055	S.C.J.	G.D. Lemon J.	Male 51 years	$35,000		No liability – damages calculated but not awarded. Alleged malpractice. Unspecified post-operative infection, severe ulnar neuropathy, numbness in arms & thumbs, pain in arm & hand, recurring back & leg pain and depression.

Whole Arm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Schmor Estate	Weber	2010 January 27	[2010] O.J. No. 837	S.C.J.	C.E. Brown J.	Female 91 years	$50,000	*Family Law Act:* First Daughter - (primary caregiver) $20,000 Second Daughter - $10,000	Plaintiff hit her head on a protruding trailer hitch. Falls and fractures her hip and wrist. Requires surgery. Suffers pain in hip & wrist, difficulty walking and weakness in arms. Problems ongoing until her death three years later.
Hasselsjo	St. Joseph's Hospital	2010 February 2	[2010] O.J. No. 443	S.C.J.	R.A. Lococo J.	Female 59 years	$100,000		No liability – damages calculated but not awarded. Plaintiff suffered stroke. Alleged malpractice in triage assessment. Suffers permanent disabilities. Uses a cane or wheelchair, experiences weakness in leg, right arm disabled and life expectancy reduced by ten years.
Bevan	Ontario	2010 July 2	[2010] O.J. No. 2910	S.C.J.	B.A. Allen J.	Male 37 years	$50,000	*Pre- & Post-Judgement Interest:* Awarded but not specified.	Inmate injured by disproportionate use of force by correction officers. Right humeral spiral fracture to plaintiff's dominant right arm requiring hospitalization and surgery. Continued weakness in arm.

Whole Arm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Frampton	Fransons	2010	[2011] O.J. No. 328	S.C.J.	W.A. Jenkins J.	Male 40 years	$37,500	*Subrogated OHIP claims:* $50,023.65 *Drug Expenses*: $4,393.90 *Future care*: $12,500 *Loss of competitive position:* $25,000	Plaintiff electrocuted while helping defendant fix a light fixture in the defendant's auto parts shop. Plaintiff fell off a 10 foot skid and suffered severe fracture of right shoulder and upper arm as well as pain, dizziness and short term memory loss from the shock. Plaintiff suffers from chronic pain has permentently limited movement in his right arm. Plaintiff found 50% responsible for the accident. Therefore all figures in the table to the left are reduced by 50% due and represent the amount owed by the defendant.

Whole Arm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.				A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries.
						P1: Female 70 years	P1: $45,000	*P1: Loss of Housekeeping: $3,000* *P1: Special Damages: $250*	P1: stitches to head and leg, cast then crutches, headaches, knee pain.
						P2: Male 37 years	P2: $50,000	*P2:Family Law Act Claim – Wife: $10,000*	P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain.
						P3: Female 30 years	P3: $30,000	*P3: Family Law Act Claim – Husband: $10,000*	P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety.
						P 4: Male 28 years	P4: $60,000	*P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder.
						P5: Male 33 years	P5: $20,000		P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head.
						P6: Male 30 years	P6: $25,000		P6: bruising on mid and low back.

Whole Arm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
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						P7: Female 27 years	P7: $65,000	*P7: Loss of Future Housekeeping: $5,000* *P7: Loss of Past Wages: $320*	P7: pain and discomfort to face, above left eye, along right side, right elbow, lower back. Compression fracture. Open wound injury to right knee and some bruising. Stress and anxiety. Chiropractor required.
						P8: Male 19 years	P8: $20,000		P8: back and knee pain. Cuts on right hand, near thumb of left hand, skull and chin, resulting in scar. Difficulty sleeping and fatigue.
						P9: Female 38 years	P9: $55,000		P9: anxiety/PTSD. Bruising, back pain. Possible compression fracture.
						P10: Male. 14 years	P10: $65,000	*P10: Loss of Future Housekeeping: $5,000*	P10: cuts on head and arm. Bruising on right shoulder, resulting in rotator cuff tendinitis and muscle strain. Lower back pain. Chronic pain. PTSD. Physiotherapy required.
						P11: Female 39 years	P11: $50,000		P11: whiplash. Bruising to lower left leg, upper left arm, tailbone, and one finger. PTSD.
						P12: Female 29 years	P12: $70,000	*P12: Loss of Future Housekeeping: $25,000* *P12: Special Damages: $6,179.08*	P12: pregnant at time of accident. Ankle, neck and lower back pain leading to chronic pain. Physiotherapy required.

Whole Arm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Tennant	Fariba	March 20, 2013	[2013] O.J. No. 1260	S.C.J.	DiTomaso J.	Male 40 years	$65,000	*Pre-judgment interest at rate of 5% per annum from March 20, 2011 to date of judgment:* $ 3,500 *Loss of future housekeeping expenses:* $ 5,143 *Loss of future medical expenses:* $20,000 *Loss of future earning capacity:* $50,000 Costs $24,754.86 all inclusive	Motor vehicle accident. Plaintiff suffered pain in right arm, right shoulder, lower back and left knee. He underwent physiotherapy and took pain medication but had ongoing pain and weakness in right arm, and hand. Lower back improved but continued to be painful. Left knee was in constant pain. He has continuing symptoms of depression that meet the threshold.
Leochko	Rostek	December 20, 2013	[2013] O.J. No. 6077	SCJ Thunder Bay	Shaw J.	Female 37 years	$10,000	Past Loss of Income: $14,521.21	Whiplash and chronic pain as a result of a motor vehicle accident. Moderate soft tissue injury, a myofacial strain including muscle and connective tissue. Experienced headaches, nausea, dizziness and neck pain radiating to her shoulders and tingling and numbness of her left arm and fingers Liability was admitted by the defendant.

Whole Arm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hansen	Williams	February 10, 2014	[2014] O.J. No. 689	ONCA	Gillese, Rouleau and Tulloch JJ.A.	Female	$200,000	*Past Housekeeping:* $5,600 *Future Housekeeping:* $28,000 *Costs:* $12,500	Motor vehicle accident. Thoracic outlet syndrome (neck, shoulder and arm injuries) and headaches. Issue on appeal: did the charge of the trial judge to the jury result in unreasonable non-pecuniary damages? Appeal dismissed.
Sica	Doe	2014 March 17	[2014] O. J. No. 1219	Ont. S.C.J.	M.A. Garson J.	Male 35	$35,000	*Subrogated OHIP:* $398 *Subrogated Criminal Injuries Compensation Board:* $4,000	Plaintiff was assaulted. Plaintiff suffered from cut under his eye, bruising to his face and eye, arm and hand. He had headaches, and pain in his neck, shoulder and lower back. He was later diagnosed with ongoing social anxiety, and post-concussion syndrome, which includes severe headaches, blurred vision, fatigue, and loss of appetite. He has a permanent scar under his left eye. Undefended trial.

Whole Arm									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Doxtater	Farrish	2014 July 16	[2014] O.J. No. 3411	Ont. S.C.J.	J.M. Morrissette J.	Female 35	$100,000	*Loss of Competative Edge*: $50,000 *Family Law Act Claim*: *Husband* $15,000 *Family Law Act Claim: Two Children* $15,000 each	Plaintiff was in motor vehicle accident. Plaintiff suffered from bruising and injuries all over her face and body from broken glass; lesions on her legs, chest, abdomen, and neck; persistant pain in her right shoulder, right chest, neck, right knee, and lower back, memory and concentration difficulties, mild tramatic brain injury; and anxiety and major depression disorder. She has decreased desire for social or recreational activity. Plaintiff's impairments are permanent.
Miller	R	2015 January 29	[2015] OJ No. 427 Additional reasons re: costs 2015 ONSC 2554	Ont. S.C.J.	Leach J.	Male 50 years	$100,000		Plaintiff, an inmate, slipped down icy stairs. Plaintiff suffers from ongoing pain in his neck, back, shoulders, and triceps. The fall caused a tear in a tendon in his shoulder and affected the nerves in his arm. He has ongoing weakness, lack of sensation, and occasional pain in that arm. He is unable to lift weights, and has lost considerable weight, which has lowered his self-esteem. Weakness in his arm causes him to repeatedly drop items, compounding lowered self-esteem. Plaintiff has symptoms of depression and his relationship with wife is impaired. Plaintiff had pre-existing drug addiction. Damages reduced by 30% due to contributory negligence.

SPINE

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Baillargeon	Murray	2001 January 15	[2001] O. J. No. 148; (2001), 52 O.R. (2d) 278; (2001), 10 M.V.R. (4th) 92; [2001] O.T.C. 10	S.C.J. St. Catharines, Ontario	Henderson J.	Male 55 years	$110,000.00 (in total for 3 accidents)	*Future loss of income*: $97,630.00	3 accidents Fracture C-6 vertebra. Injury to neck - Musculoligamentous. Acceleration of previous asymptomatic changes in cervical and lumbar spine. Myelomalacia at C 4/5/6/7. Surgery relieved pain significantly. Bowel and bladder problems. Sexual dysfunction. Psychological problems. Permanently unemployable.
Clark	Doublerink Arenas Ltd.	2001 May 14	[2001] O.J. No. 1841 [2001] O.T.C. 364	S.C.J. Toronto, Ontario	Pitt J.	Male	$60,000.00		Dislocated left shoulder, nerve damage to left arm. Fractured left tibia and fibula. Pain in neck, shoulders, back, spine, arms and legs. Emotional stress and depression. Insomnia. Predisposed to future problems. Shoulder later re-injured in work-related accident.
Hossney (a.k.a. Hossny)	Ramsoodar	2001 December 18	[2001] O. J. No. 5018; [2001] O.T.C. 915	S.C.J. Toronto, Ontario	Cullity J.	Male 48 years	$65,000.00	*Future loss of earnings*: $187,160.00 *Loss of business*: $40,000.00	Soft tissue injuries to neck and back. Debilitating depression. Unable to work. Social life affected. Psychological impairment contributed to chronic pain. Poor prognosis. Computer programmer. Pre-existing degenerative disc disease.
Miller	Moulure Alexandria Moulding Inc.	2001 December 21	[2001] O. J. No. 5463; [2001] O.T.C. 967; (2001), 36 C.C.L.I. (3d) 127	S.C.J. Simcoe, Ontario	Lofchik J.	Female	$55,000.00	*Future loss of earnings:* $90,000.00	Soft tissue injuries exacerbated previous back problems and resulted in continuous neck, shoulder and lower back pain. Significant possibility of non return to full time employment. Possible permanent disability. Post-traumatic stress symptoms. Reactive depression.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Dusk	Malone	S.C.J.: 1999 October 19 Ont. C.A.: 2002 January 16	S.C.J.: [1999] O.J. No. 3917 Ont. C.A.: [2003] O.J. No. 44; (2003) 167 O.A.C. 333	Ont. C.A. affirming S.C.J. (Toronto, Ontario)	S.C.J.: Brennan J. Ont. C.A.: O'Connor, Catzman, Weiler JJ.A.	2 Male	Plaintiff 1: $75,000.00 Plaintiff 2: 40,000.00	*Family Law Act*: Wife: $5,000.00	Tightness in parts of neck. Pain in chest & back. Restricted neck movement. Facial injury. Requiring plastic surgery. Broken teeth. Knee lacerations requiring sutures. 85% improved 3 years after accident. Whiplash to cervical and lumbar spine. Degenerative disc disease. Numbness and tingling of hands. Spasms. Anxiety. Loss of confidence. Memory loss. Largely recovered 11 years later.
Coulter	Liberty Mutual Insurance Co.	2003	2003 CarswellOnt 1874 [2003] OJ No. 2008	S.C.J.	Archibald	Female	$45,000.00 (first MVA) (provisionally) $8,500.00 (second MVA)	*Family Law Act*: Husband- $5,500.00	frequent urinary tract symptoms and infections caused by bruising to abdomen (urethral stenosis), also soft tissue injury to knee, neck and shoulder area – soft tissue injury resolved after first collision urination problem persist – second collision not affect urinary function; low back, left knee, shoulder neck and headaches –low speed impact.
Humad	Fair Claims	2003	2003 CarswellOnt 5376 [2003] OJ No. 5432	S.C.J.	Pepall	Female	$30,000.00		Soft tissue injury to neck and back, headaches and dizziness, chest pain, breathing problems, tingling in left arm, increased sleeping difficulty.
Williams	Mendez	2003 January 23	[2003] O. J. No. 465 Additional reasons: [2003] O. J. No. 473	S.C.J. Newmarket, Ontario	Shaughnessy R.S.J.	Female 39 years	$120,000.00	*Future loss of earnings* $130,931.20	Multiple soft tissue injuries. Injury to arms, elbow, lower back, neck, shoulders. Disfiguring & permanent scars. Neurostimulator malfunctioned. Significant emotional distress. Likely to be permanent. Assistance with all chores. Lessened sports activities.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Barniske	Mohamed	2003 March 5 Additional Reasons: 2003, April 2	[2003] O. J. No. 810 Additional Reasons: [2003] O.J. No. 1327	S.C.J. Sault Ste. Marie	Caputo J.	Male 33 years	$55,000.00		Concussion and soft tissue injuries when bicycle struck by vehicle. Swollen face, neck & back pain, abrasions, hip contusion, and stiffness. Rotator cuff tendonitis and overlap problem with cervical spine mechanical pain. Physiotherapy didn't help. Let go from printing business. 9 yrs post-accident suffered stiffness and irritation to shoulder & neck. Limited work & recreation.
Mizzi	Hopkins	2003 May 7, upheld trial decision: Dec. 27/01, Coo J.	[2003] O. J. No. 1671	Ont. C.A.	Borins, Cronk, Armstrong JJ.A.	Female	$30,000.00	Past loss of income for 2 yrs only: $48,000.00	Jury verdict upheld despite trial judge not instructing jury properly re contributory negligence. Motor vehicle accident. Mild brain injury with cut to scalp. Mild concussion. Memory, concentration affected. Depression. Neck and back pain. Jury considered appropriate factors.
Ernst	Quinonez	2003 September 4	[2003] O.J. No. 4509 [2003] O.J. No. 3781 [2004] O.J. No. 556	S.C.J. Niagara Falls, Ontario	Henderson J.	Male	$25,000.00	punitive damage: $10,000.00	Scrapes and abrasions to forehead, face, chin, arms, and knees; bruises all over body; sore neck; swollen cheek; tingling in fingers; welts on back and legs; chipped 2 teeth; bankart lesion on shoulder that led to subsequent dislocation; shoulder pain expected to continue.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Brown	Flaharty	2004	[2004] O.J. No. 2539	S.C.J.	Jenkins	Male	$90,000.00	*Past Income Loss*:$144,800.00 *Future Loss of income*; $297,383.40 *Special Damages*: $181,838.95 *Future Cost Care*: $230,117.89 *Family Law Act* Claim: Spouse- $20,000.00 *Family Law Act Claim*: 3 daughters $5,000.00 each.	MVA - soft tissue injuries to neck and back; chronic pain syndrome and depression.
Jones	Mazolla	2004 January 8	[2004] O.J. No. 366	S.C.J.	Herman J.	Female 35 years	$50,000.00	Loss of income: $2,748.48 Family Law Act: husband- $5,000.00 Family Law Act: Daughter- $15,000.00	Headaches, back, neck, shoulder and chest pain. Sleep problems and unable to perform household duties. Chronic pain due to injuries. Decreased concentration, emotional lability.
Rothman	Matus	2004 January 20	[2004] O.J. No. 220	S.C.J.	Croll J.	Female 60 years	$55,000.00	Business loss: $50,000.00	MVA. Ongoing pain in knee, leg, foot & neck. Headaches, distinctive limp. PL no longer able to carry out everyday activities such as cooking, cleaning, volunteering in the community, playing with grandchildren, socializing. PL had invested in Internet company she was setting up with son-in-law. Plans fell through as result of accident.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Vagliardo	Arnaiz	2004 June 24	[2004] O.J. No. 3428	S.C.J.	Wright J.	Male 38 years	$75,000.00	*Past Income Loss:* $25,130.00 *Future Loss of income*: $94,950.00	Sustained an injury to the left side of his head with temporary hearing loss. A left shoulder injury, neck injury and a lower back injury. His injuries were accompanied with headaches and persistent pain. His main complaints are neck pain and lower back pain.
Legros	Lai	2004 July 9	[2004] O.J. No. 3045	S.C.J.	G.I. Thomson J.	Male 54 years Plaintiff: Male, Wife, Son, daughter	$100,000.00	*Future Loss on Income:* $172,130.00 *Family Law Act:* Wife - $45,000.00 *Family Law Act*: *Son* - $7,500.00 *Family Law Act:* daughter - $10,000.00	MVA -- permanent serious impairment to psychological function, moderate brain injury, chronic pain in legs, back, neck & knee and headaches.
Traquair	National Art Center Corp.	2004 October 15	[2004] O.J. No. 4198	S.C.J. Ottawa	Smith J.	Male	$75,000.00	*Special Damage*: $20,560.70 *Loss of Future and Past Income:* $ 424,296.00	Suffered a mild concussion as a result of his fall. The Plaintiff claims to suffer from neck pains and regular severe headaches since the accident. He is no longer able to concentrate and practice for a sufficient length of time to be able to audition and obtain a position with a large romantic size symphony orchestra.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Desbiens	Mordini	2004 November 18	[2004] O.J. No. 4735	S.C.J.	Spiegel J.	Male 56 years	$165,000.00	*Family Law Act:* Wife- $40,000.00 *Future care costs:* $919,400.00	Motor Vehicle/Wheelchair collision -- fractured femur, leg & hip swelling, loss of consciousness, surgery, pressure sore, dizziness, poor memory, sleep disturbance, headaches, back, neck, elbow & knee pain, problems with attention & concentration, emotional distress, severe depression, severe anxiety, chronic back pain; 40% impairment of whole person.
Hornick	Kochinsky	2005 March 29	[2005] O.J. No. 1629	S.C.J. Chatman, Ontario	Thomson J.	Male 39 years	$125,000.00	*Past loss of income*: $14,390.00 *Family Law Act*: wife- $45,000.00 *Family Law Act* Sons- $45,000.00 each	Severe whiplash and brain injury as result of MVA. Ongoing problems with lower back, left shoulder and right knee. Soft tissue injuries. Severe adjustment disorder involving significant anxiety, depression and frustration.
LaHay	Henderson	2005 April 29	[2005] O.J. No. 1705	S.C.J. Barrie, Ontario	T.M. Wood J	Male 43	$90,000	*Future Income:* $265,213 *Past Lost Income* $1,653.74 *Housekeeping Services* $10,000 *Family Law Act (Loss of care, guidance and companionship)* Wife: $30,000 Oldest child (mentally disabled): $15,000 – Two younger children each awarded $5,000.	Plaintiff suffered torn lumbar tissues in MVA. Plaintiff had chronic incurable back pain. Plaintiff ceased physiotherapy after he settled with his own insurance company. Plaintiff declined nerve block injections and attendance at residential pain management programme. Plaintiff weighed 345 pounds and was genetically disposed to obesity. Also suffered from migraine headaches. Future lost income was $804,100 based on annual income of $47,129 Figure was reduced by 30 per cent to reflect health problems associated with obesity

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Winters	Loblaws Supermarkets Ltd.	2005 June 14	[2005] O.J. No. 3406	S.C.J.	J.F. McCartney J.	Female	$40,000.00		Liability not established. Damages calculated but not awarded. Slip & fall on allegedly unsafe premises. PL injured back, hip, elbow and neck. All symptoms disappeared within a week except for neck pain. Aggravation of pre-existing neck condition. Difficulty turning neck to left. Leisure activities affected. Constant neck pain.
Monks	ING Insurance Co. of Canada	2005 June 15	[2005] O.J. No. 2526	S.C.J.	Lalonde J.	Female 48 years	$189,074.64	*Aggravated damages* $50, 000.00 *Home expense:* $362,206.00	Developed spastic quadriparesis, chronic pain in her neck and shoulders, extreme fatigue, gait ataxia, gastrointestinal dysfunction, neurogenic bladder and bowel, decreased concentration and memory, sleep apnea/narcolepsy and depression.
Gorman	Falardeau	2005 June 30	[2005] O.J. No. 2213	Ont. C.A. North Bay, Ontario	Laskin, Cronk, Gillese JJ.A.	Male 52 years	$120,000.00	*Future loss of income*: $299,940.00 *Past Loss of Income*: $180,000.00 *Future Care*: 35,000.00	3 accidents. Disabling chronic pain. He sustained a soft tissue injury to his neck ("the 1995 accident"). The 1995 accident aggravated the injuries that he had suffered in the 1989 accident. After the 1995 accident, Mr. Gorman was in constant pain and, consequently, he developed emotional problems. After the 1997 accident, his lower back pain, including pain in his left hip, worsened.
Mason	Moore	2005 September 9	[2005] O.J. No. 3799	S.C.J.	W.A. Jenkins J.	Female 48 years	$90,000.00	*Cost of care*: $63,087.00 *Past loss of income*: $43,013.00 *Future loss of income*: $225,675.00 *Family Law Act claim*: Husband- $15,000.00	MVA -- pain, swelling & limitation of movement in both knees, undisplaced fracture of patella, neck & back injuries, pain in neck, back & shoulder, 3 knee injections, aggravation of symptomatic degenerative knee changes, arthroscopic surgery, ongoing headaches & pain in neck and shoulder.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Momand	Wild Water Kingdom Ltd.	2005 September 22	[2005] O.J. No. 4025	S.C.J.	H.E. Sachs J.	Female 23 years	$70,000.00	*Past and Future loss of income*: $222,803.72 *Future care costs*: $82,728.27 *Family Law Act*- Husband $12,000.00	Waterslide injury: Struck head when bumped & thrown from inner tube. Whiplash injury to neck, concussion, migraine headaches, pain in neck & shoulder, nausea, dizziness, difficulty concentrating, memory problems, pain in arm & fingers, stiffness & tingling in fingers, chronic pain syndrome, depression. Ongoing and constant headaches.
Appeal allowed in part.		2006 October 31	[2006] O.J. No. 4336	Ont. C.A. Toronto ON	R.P. Armstrong and R.A. Blair JJ.A. and J.D. Cunningham A.C.J.S.C.J. (ad hoc)			*Future care costs:* $72,728.27	Appeal allowed in part: Future care costs awarded regarding costs of Zomig medication reduced to account for expected decreased cost due to generic competition.
Nyamadi	Mississauga (City)	2005 October 7	[2005] O.J.R.E. 97519	S.C.J. Hamilton, Ontario	Morawetz J.	Female 19 years	$35,000.00	*Past Income Loss:* $10,981.61	Headaches, neck strain, right shoulder strain, back pain, chest pain, lower back pain, pain in the arms, bladder injury, muscle spasm, myofascial injuries throughout her body, and contusions. She claims that she suffers, and will continue to suffer permanent and serious psychological injuries, including hypertension, insomnia, fatigue, stress, depression, anxiety, irritability, memory loss, and cognitive difficulties.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Garratt Appeal allowed. Trial judgment set aside. TJ erred when she found liability.	Orillia Power Distribution Corp.	2006 April 13 2008 May 29	[2006] O.J. No. 1484 [2008] O.J. No. 2090	S.C.J. Barrie Ont. C.A. Toronto, ON	J. Ferguson J. D.R. O'Connor A.C.J.O., E.E. Gillese and D. Watt JJ.A.	Female	$75,000 reduced 15% to reflect pre-existing condition: $ 63,750	*Pecuniary:* (a) past extra employee cost of $6,549.00; (b) future extra employee cost of $27,212.90; (c) future replacement cost of Mr. Lima of $87,958; (d) future loss of private clients of $35,539.18; (e) future housekeeping and house maintenance expenses of $20,714.20 *Family Law Act* – (Husband) - $17,000	P. suffered injuries to back and neck after sudden stop in MVA. P. had pre-existing condition. Medical evidence supported necessity of plaintiff hiring additional help if she was to retain her contract with commercial client -- Plaintiff also claimed lost income regarding her inability to continue cleaning private homes as she did prior to accident
Burrill	Ford Motor Co. of Canada	2006 October 11	[2006] O.J. No. 4059	S.C.J. Woodstock	T.A. Heeney J.	Male 61	$35,000	*Pecuniary* *Lost earnings:* $168,832 *Family Law Act* – (Wife) - $12,000 *Third Party* (Property Damage) $7,386	P. suffered injuries to back and shoulder in MVA. Auto manufacturer found 100% liable joint and severally. Claim for loss of earnings reduced 10% for failing to return to work earlier.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Kourtesis *Dismissed action for general damages and subordinate claims	Joris	2007 July 10	[2007] O.J. No. 2677	Ont. S.C.J.	E.R. Browne J.	Female 18 years	*Jury assessed at $45,000.00 but judge dismissed general damages claim.	*Future financial loss:* $25,000.00	M.V.A. Soft tissue injuries mainly resulting from pain in neck and shoulder. P complains of sore neck, pain in the left arm, tingling in the left arm, sore left shoulder area, sleep disturbance, concentration and memory problems, headaches, fatigue, anxiety or depression, low back pain (from about 2004) and flare-ups of pain. P failed to prove she had a serious impairment interfering substantially with her ability to perform her usual activities of daily living or obtaining and continuing regular employment.
George Action dismissed. Damages assessed nevertheless.	Covent Garden Market Corp.	2007 July 25	[2007] O.J. No. 2903	Ont. S.C.J.	K.F. Ross J.	Female 57 years	$60,000.00	*Special Damages:* $1,628.05 *Chiropractor:* $ 1,726.25 *Family Law Act Claim:* Husband – $5,000.00 *Family Law Act Claim:* Daughter – $1,500.00	Trip and fall. Injuries to her head - no fractures but sustained a contusion to her forehead and a bruise at the corner of her left eye. Small laceration to her left right and a bruise to her left forearm. Right elbow badly bruised and bruise on left shoulder. Fall made fibromyalgia worse. P had history of several prior fall and a long history of prior physical and psychological health problems. P did not establish on a BoP that the D failed in its statutory duty to take reasonable care.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Sherman	Guckelsberger	2008 December 29	[2008] O.J. No. 5322	S.C.J.	J.A. Milanetti J.	Female 32 years at trial	$25,000.00	*Past Wage Loss:* One week of full-time earnings and two weeks of part-time earnings	No liability – damages calculated but not awarded. PL injured when her motor vehicle was struck from behind. As a result of her injuries, the PL suffered from daily headaches, neck pain, and numbness and tingling in two fingers on her right hand. PL's claim for future wage loss did not meet the threshold of a "permanent, serious impairment of an important physical, mental, or psychological function" under the Insurance Act.
Sabourin	Dominion of Canada General Insurance Co.	2009 April 9	[2009] O.J. No. 1425	S.C.J.	G.T.S. Valin J.	Female 42 years at trial	$40,000. 00	*Net Present Value of the Future Loss of Housekeeping and Home Maintenance Services:* $70,250. 00	No liability – damages calculated but not awarded. MVA causing soft tissue injuries to plaintiff's neck and right shoulder. Pain and discomfort prevents plaintiff from performing housekeeping and home maintenance services at her pre-accident levels.
Ayana	Skin Klinic	2009 July 29th	[2009] O.J. No. 3341	S.C.J.	D.G. Price J.	Female 44 Years	$35,000	*Future Care Costs:* $1,200 *Special Damages:* $695 *Recovery of Cost of Treatments:* $675 *Family Law Act:* Husband - $3,500 Son - $5,000 Daughter - $500	Faulty hair removal procedure causing second degree burns to neck and chin, permanent scarring. Stress and depression, PTSD, heightened sensitivity to scarring due to pre-existing cultural beliefs.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Valdez	Clarke	2010 January 6	[2010] O.J. No. 31	S.C.J. Hamilton, Ontario	J.A. Milanetti J.	Male 53 years at trial	First MVA - $18,750 Second MVA - $6,250		MVA 1 - Chronic pain syndrome. Soft tissue injuries causing neck & back pain. Nerve root damage in neck, headaches and numbness in fingers. MVA 2 - Aggravation of ongoing neck and back injuries. Defendant's motion for an order that Plaintiff does not meet the threshold for permanent serious impairment is dismissed.
Margeson	Moreau	2010	2010 ONSC 6371 [2010] O.J. No. 4985	S.C.J.	DiTomaso J.	Male 32 years	$125,000	*Aggravated Damages:* $25,000 *Past Lost Income:* $77,133.44 *Future lost income:* $70,000 *Future Care Expenses:* $56,100 *Subrogated OHIP claim:* $16,788.93 *Family Law Act*: $37,500 *Trial Costs*: $15,000	Plaintiff assaulted by defendants. Suffered permanent back and neck injuries resulting in chronic pain, sleeping difficulties and depression. Plaintiff now works at a diminished capacity, has a more troubled relationship with his wife, cannot do much physical activity with his son and is largely incapable of doing house maintenance that he previously did.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McDonald	Kwan	2010	2010 ONSC 5861 [2010] O.J. No. 4511	S.C.J.	Eva Frank J.	Male 36 years	$98,000 (70% of $140,000)	*Future income loss:* $579,612 *Loss of housekeeping capacity*: $66,500 *Family Law Act*: $12,000	Plaintiff's car hit by defendant's car. Plaintiff subsequently involved in two car accidents. Suffered chronic back and neck pain and extreme depression. 70% attributed to first accident. Plaintiff forced to leave work on long-term disability due to mental and physical damage.
Glass	Glass	2013 June 7	[2013] O.J. No. 2602	Ont. S.C.J.	G.M. Mulligan J.	Male	$125,000	*Future Cost of Care:* $150,000.00	Plaintiff was a passenger in an automobile accident. Suffered whiplash, neck injuries, broken ankle, and broken sternum. Has ongoing difficulty walking. Clinical depression exacerbated by pain (Thin Skull). Virtually housebound by injuries.
Ivens	Lesperance	2012 July 19	[2012] O.J. No. 3363	Ont. S.C.J.	G.M. Mulligan J.	Male, 41 Years Old	$100,000.00	*Future Income Loss:* $55,000.00 *Past Income Loss:* $56,000.00	Plaintiff in an accident while riding his motorcycle. Left knee fracture, right knee contusion, back injury. Some spinal and neck damage. Suffers from chronic pain, disturbed sleep, and headaches. Prior ankle injuries from a previous motorcycle accident (thin skull). Jury found plaintiff forty-five percent liable for his injuries.
Zurek	Ferris	2012 November 5	[2012] O.J. No. 5163	Ont. C.A.	J.I. Laskin, R.A. Blair and G.J. Epstein JJ.A.	Female	$40,000.00	*Past Income Loss:* $40,000.00 *Future Cost of Care:* $30,000.00 *Family Law Act:* Son - $15,000.00	Plaintiff was rear-ended in an automobile accident. Suffered whiplash, soft tissue damage in her neck and back. Plaintiff appealed jury award on the basis of denied future income cost. Appeal was dismissed.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Shaw	Staples	2013 June 6	[2013] O.J. No. 2636	Ont. S.C.J., Peterborough	Gunsolus J.	Female 25 years	$225,000.00 (*Includes $75,000 Aggravated Damages*)	*Past Lost Income*: $27,957.00 *Future Lost Income*: $800,000.00 *Punitive Damages*: $75,000.00 *Future Therapy*: $125,000.00	Plaintiff repeatedly sexually assaulted by defendant store clerk at knifepoint. Strangled, suffered lacerations and head trauma. Forcibly confined. Plaintiff suffers from ongoing severe anxiety, strained family relationships. Career prospects severely limited, with little prospects of resuming school, or finding full-time work.
Burns	Tri-City Wrestling, Jeff Marsh, Kitchener Lodge No. 1418, Loyal Order of Moose, Curtis Sturrock aka "hacker" Scotty O'Shea, Dennis Stewart aka, "dangerboy" Derek Wylde,	February 25, 2013	[2013] O.J. No. 839	SCJ (Small Claims Court)	Winny Deputy J.	Male 43 years	$6,000	*Costs:* $2,245.65	He was spectator at a wrestling match hosted by “the Lodge”. He is suing Dennis Stewart who threw another wrestler (“Hacker”) out of the ring and hit the plaintiff. Suffered minor neck and upper back injuries. Undefended. Claim dismissed against “the lodge” for failure to find liability. Claims against other defendants have settled.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Constantini	Constantini	March 18, 2013	[2013] O.J. No. 1234	SCJ	Pazaratz J.	Female 45 years	$15,000		Wife suffered assault and battery from husband. She had a large bump on back of head, soft tissue injuries on right side of neck, headaches, aches and pains all over her body. She was grabbed by the throat which is very sore and has a hoarse voice. No permanent damage. She has emotional distress in the form of depression, insomnia, anxiety and pervasive fear. Uncontested hearing. Husband was charged criminally with assault and death threats.
Hansen	Williams	February 10, 2014	[2014] O.J. No. 689	ONCA	Gillese, Rouleau and Tulloch JJ.A.	Female	$200,000	*Past Housekeeping:* $5,600 *Future Housekeeping:* $28,000 *Costs:* $12,500	Motor vehicle accident. Thoracic outlet syndrome (neck, shoulder and arm injuries) and headaches. Issue on appeal: did the charge of the trial judge to the jury result in unreasonable non-pecuniary damages? Appeal dismissed.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Fernandes Appeal partially allowed.	Penncorp Life Insurance Corp.	2013 March 22 September 2, 2014	[2013] O.J. No. 1304 [2014] O.J. No. 4039	Ont. S.C.J. ONCA	P.B. Hambly J. Juriansz, Pepall and van Rensburg JJ.A.	Male 48 years	*Mental Distress Damages:* $100,000.00 *Mental Distress Damages:* $25,000	*Punitive Damages:* $200,000.00 *Contractual Damages:* $236,773.00	Breach of contract. Plaintiff injured his neck and back falling off a scaffold, and was unable to continue his work as a bricklayer. Insurance policy with the defendant provided for ongoing disability benefits of $3,000 a month. Defendant refused to continue payments, on the ground that the plaintiff was not disabled as contemplated in the contract. Court held that the plaintiff was disabled. Could not continue work as a bricklayer, suffered ongoing pain, decreased stamina. Inability to find other work due to poor English skills and severely limited cognitive functions. Dismissed the appeal of other damages and allow appeal of mental distress damage. Mental distress damages were disproportionate and unsubstantiated. They are reduced.
Sica	Doe	2014 March 17	[2014] O. J. No. 1219	Ont. S.C.J.	M.A. Garson J.	Male 35	$35,000	*Subrogated OHIP:* $398 *Subrogated Criminal Injuries Compensation Board:* $4,000	Plaintiff was assaulted. Plaintiff suffered from cut under his eye, bruising to his face and eye, arm and hand. He had headaches, and pain in his neck, shoulder and lower back. He was later diagnosed with ongoing social anxiety, and post-concussion syndrome, which includes severe headaches, blurred vision, fatigue, and loss of appetite. He has a permanent scar under his left eye. Undefended trial.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Saisho	Loblaw Cos.	2014 March 26	[2014] O.J. No. 1475	Ont. S.C.J.	F.B. Fitzpatrick J.	Male 90 years	$160,000	*Subrogated claim from OHIP: $262,601.10* *Family Law Act Claim*: Wife $55,000	Plaintiff was struck by a shopping cart. Damage to his cervical column rendered him a spastic quadriplegic, made it difficult to breath significantly increasing risk for death by aspiration, and more susceptable to blood clots. Catheterized bladder increased risk of infection. Plaintiff required assistance for every aspect of daily living, suffered from cramps, had difficulty sleeping and was constantly frustrated and scared. He remained in the hospital for two years until his death. Pre-existing hypertension and narrowing of the cervical spine would have put him wheelchair bound for the future but not as a quadriplegic.
Lutes	Air Canada	2014 May 14	[2014] O.J. No. 2382	Ont S.C.J.	R.D. Reilly J.	Female Adult	$110,000,	*Special Damages*: $46,497 *Past Loss of Income*: $168.000 *Future Loss of Income and Pension*: $600,000 *Family Law Act: Husband* $25,000 *OHIP*: $3,000	Plaintiff was a passenger on a flight that had a jarring impact upon landing. Plaintiff suffered headaches and chronic pain in her back. Conditions may never resolve.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Doxtater	Farrish	2014 July 16	[2014] O.J. No. 3411	Ont. S.C.J.	J.M. Morrissette J.	Female 35	$100,000	*Loss of Competative Edge*: $50,000 *Family Law Act Claim*: *Husband* $15,000 *Family Law Act Claim: Two Children* $15,000 each	Plaintiff was in motor vehicle accident. Plaintiff suffered from bruising and injuries all over her face and body from broken glass; lesions on her legs, chest, abdomen, and neck; persistant pain in her right shoulder, right chest, neck, right knee, and lower back, memory and concentration difficulties, mild tramatic brain injury; and anxiety and major depression disorder. She has decreased desire for social or recreational activity. Plaintiff's impairments are permanent.
Malfara Action dismissed. Damages assessed	Vukojevic	2015 January 08	[2015] O.J. No. 44	Ont S.C.J.	Firestone J.	Male 24	$7,700	*Past Loss of Income:* $1,326	Motor vehicle accident Plaintiff suffered soft tissue injuries in back and neck resulting in ongoing pain.
Pupo	Venditti	2017 March 6	[2017] O.J. No. 1600	S.C.J	D.L. Edwards J.	Male	$150,000.00		MVA-Plaintiff, a meat cutter, suffered from neck pain which generated headaches, as well as pain in his left shoulder. The plaintiff could not resume his job as a meat cutter.

Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Pomeroy	Misljencevic	2016 November 4	2016 ONSC 5867	S.C.J.	R. Scott J.	Female, 44	$140,000.00	*Management fee:* $17,100.00 *Future income loss:* $372,000.00 *Past income loss*: $137, 211.00	MVA- Plaintiff's vehicle was rear-ended and forced under a truck in front of her. Plaintiff immediately suffered from myofascial chronic pain in the neck and right trapezius muscles and related cervicogenic headaches and right frozen shoulder. Plaintiff has not recovered from physical impairments and is unable to work. The overall award was increased by 0.8% to account for productivity.
Valentine	Rodriguez-Elizalde	2016 June 2	[2016] O.J. No. 2945	S.C.J	Firestone J.	Female, 17	$30,000.00	*Loss of future earnings*: $50,000.00 *Past lost income:* $4,684.17.00	MVA-Plaintiff is a 17-year-old student. She suffered soft tissue injuries to her neck, back, and shoulders. Her symptoms were aggravated by activity. Standing or sitting for long periods of time and her employment made her neck pain worse. She had daily lower back pain and suffered neck pain three to four times per week. Her ability to perform housekeeping tasks and engage in recreational sporting activities was impacted.

Spine Below Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Malhalab	Windsor (City)	2001 June 22	[2001] O.J. No. 2758 (2001) 21 M.P.L.R. (3d) 76	S.C.J. Windsor, Ontario	J.G. Quinn J.	Male	$22,000.00		Fractured 4 ribs. Compression fracture of thoracic vertebrae. Aggravated arithritic condition of neck and back. Unable to return to previous employment. Replaced by another employee.
Padfield	Martin	2001 January 18 2003 May 27	[2001] O.J. No. 5398 [2003] O.J. No. 2794	S.C.J. Hunstville, Ontario O.C.A. Huntsville, Ontario	Donohue J. O'Connor A.C.J.O., Laskin, Borins JJ.A.	Male 17 years	$263,079.00 $150,000.00		Fracture of L12 vertebra, perforated bowel, two operations, 15 days in hospital, volleyball playing diminished, no longer able to obtain athletic scholarship.
Steinburg-Begin	Gramer	2002 February 8	[2002] O. J. No. 562; [2002] O.T.C. 120	S.C.J. North Bay, Ontario	Karam J.	Female 10 years	$85,000.00	*Future loss of income:* $180,237.00	L5 Compression fractures. Damage to posterior soft tissue. Discomfort. Pain. Eventually spinal fusion - chance of failure. Public service career less likely.
Hunt (Litigation Guardian of)	Martin	2002 August 31	[2002] O.J. No. 3227; (2002) 40 C.C.L.I. (3d) 75; [2002] O.T.C. 612	S.C.J. Toronto, Ontario	Chapnick J.	Male 31 years	$85,000.00	*Future loss of income*: $15,000.00. *Family Law Act Claims*: Wife - $25,000.00 *Family Law Act Claims* Son – 47,500.00	Ruptured lumbrosacral disc. Pre-accident operation – lumbar laminectomy and discectomy due to herniation of L5-S1 disc. Same problem after accident. Classic thin skull plaintiff. Lacerations, soft tissue injuries. Residual effect of accident was low back pain and left leg pain. Returned to work 1 month after surgery. Gave up athletics except golf.
Polsinelli	Goodman	2003 March 25	[2003] O. J. No. 1075	S.C.J. Toronto, Ontario	Jennings J.	Male	$70,000.00		Car accident. Pre-existing symptomatic degenerative disc disease. Soft tissue injuries to neck and back. Autobody repairman. Would eventually return to work. Earned $85k per yr.

Spine Below Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hendry	McGrath	2003 June 6	[2003] O.J. No. 2492	S.C.J.	Belleghem J.	Male	$112,500.00	*Future loss of income*: $300,000.00 *Past loss of income*: $40, 000.00 *Family Law Act*: Wife-$35,000.00 *Family Law Act*: Son- $20,000.00	Serious back injury, significant fracture to the L2-3 level, burst vertebrae at the L2-L4 level with a loss of height of approximately 40% of the L3 body. there was marked intraspinous widening at the L2-3 level. Chronic pain, possible future damage, left employment, agreed upon settlement terms were reasonable.
Hartwick	Simser	2004	[2004] O.J. No. 4315	S.C.J.	Roccamo J.	Female (both PLs) PL 1: 34 years PL 2: 11 years	PL 1: $63,750.00 PL 2: $72,250.00	Plaintiff 1 *Past loss of income*: $16,100.00 *Future loss of income*: $97,200.00 *Future pension loss*: $44,330.00 Family Law Act claims: daughter-$7,500.00 Plaintiff 2 *Future loss of income*: $381,500.00 *Family Law Act claims*: Mother-$7,500.00	Motor vehicle accident: PL 1 -- chronic pain, unspecified soft tissue injuries; PL 2 -- daily pain, headaches, depression, risk of early onset of degenerative disc disease & arthritis

Spine Below Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Dent	Lammens	2004 August 23	[2004] O.J. No. 3495	S.C.J.	Brockenshire J	Female 43 years	$150,000.00	*Past and future income loss*: $$200,000.00	After surgery, could not feel or move her left leg. Developed full, frank drop of left foot. Dr. failed to decompress L5 nerve root as it proceeded obliquely from spinal cord canal out of spine and into surrounding soft tissue. Loss of ankle stability.
Moore (Litigation Guardian of) Appealed: Successful re cost issue. Damages not amended.	Wienecke	2006 February 17 2008 March 6	[2006] O.J. No. 202 2006 CARSWELLONT 974 *amending* 2006 CarswellOnt 284 [2008] O.J. No. 841	S.C.J. Ont. C.A. Toronto ON	Mesbur J. J.C. MacPherson, R.P. Armstrong and G.J. Epstein JJ.A.	Male 35 Years Old	1998 Accident $40,000 2002 Accident $60,000	1998 Accident *Loss of Future Income* $38,854 *Future Care* $3,500 *FLA claims* $1000 for each child 2002 Accident *Loss of future income* $349,689 *Future Care* $31,500 *FLA claims* $2500for each child	Complex case involving 2 separate mva's; first in 1998 and second in 2002; plaintiff had pre-existing brain damage from previous motorcycle accident in 1991 1998 Accident -broke toe -fell down stairs as a result of the toe injury which lead to a knee injury that required surgery -continuing pain in knee and foot 2002 Accident -severe and permanent upper back pain -Grade 2 whiplash disorder
Gordon	Greig	2007 January 23	[2007] O.J. No. 225	Ont. S.C.J.	B.A. Glass J	Male 22 years (Both PLs)	PL 1 - G: $310,000.00 PL 2 - M: $310,000.00	**PL 1 - G:** *Future care*: $8,646,900.00 *Past wage loss:* $15,100.00	Motor vehicle accident: PL 1—G: Severe and catastrophic brain injury and upper spinal injury. Bladder and bowel control, sense of smell, sense of taste, sense of hunger, and sense of temperature have been affected by the

Spine Below Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Future wage loss: $1,871,600.00 *Management fees:* $525,925.00 *Family Law Act:* Mother - $75,000.00 *Family Law Act:* Father - $75,000.00 **PL 2 - M:** *Special Damages:* $74,713.78 *Past wage loss:* $55,400.00 *Future wage loss:* $2,298,320.00 *Management fees:* $447,164.00 *Future Care:* $8,880,000.00 *Housing Costs:* $374,800.00 *Family Law Act:* Mother - $75,000.00	injuries. Placed in a halo because of upper spine and neck injuries. Requires prescribed medication in order to engage in sexual intercourse. Extreme difficulties with social, family and romantic relationships. Memory impacted significantly. Does not enjoy a normal life. PL 2 – M: Paraplegic. Rods inserted to brace his spine. Loss of bladder and bowel control. Underwent stem cell surgery in Portugal. Has made some progress in an intensive rehabilitation program. PL gradually advanced from having no ability to control his lower body, to being able to pull himself up to crawl. Highly unlikely will work at an income-generating career. Changes to the physical layout of the residence of Karen and Peter Morrison were undertaken to make the home more user friendly for Ryan.

Spine Below Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Family Law Act: Father - $60,000.00 *Family Law Act:* Sister – $30,000.00	
Hamasni	Nagai	2007 February 13	[2007] O.J. No. 1326	Ont. S.C.J. St. Catherines Ont.	D.S. Crane J.	Male Incident: 41 years Trial: 54	$90,000.00	*Past income loss:* $650,000.00 *Future income loss:* $250,000.00 *Family Law Act Claim: Past Attendant Care:* Wife – $75,000.00 *Family Law Act Claim: Future Attendant Care:* Wife – $25,000.00 *Loss of CG&C:* Wife – $35,000.00 Children (2) – $15,000.00 (each)	Physician negligence. The physician, a nephrologists, failed to correctly diagnose an epidural abscess. The patient suffered pain, depression and failure of his business as a result of the physician's negligence. Physician did not investigate the plaintiff's complaints, assuming the pain was due to soft tissue injuries from the accident.

Spine Below Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Yovanovich	Windsor (City)	2007 May 31	[2007] O.J. No. 2134	Ont S.C.J.	J.N. Morissette J.	Male 56 years	$100,000.00	*Future loss of income:* $714,450.00 *Pre-judgment interest:* $30,000.00	P is an orthopaedic surgeon. Suffered cut to left elbow, bruise to left knee, separated left shoulder, mild compression of a nerve in the neck with symptoms in his right hand in the web space between the thumb and index finger and a compression injury to his S1 nerve root on the right side which resulted in sciatic numbness and burning in his right leg. Left shoulder deformity arising from the shoulder separation. Knee and elbow have healed, other injuries serious and permanent. Pain is increased by P's type of work.
St. Prix-Alexander	Home Depot of Canada Inc.	2008 January 4	[2008] O.J. No. 25	Ont. S.C.J.	B.J. Manton J.	Female, 34 years	$75,000.00	*OHIP subrogated claim:* $16,162.25 *Babysitting:* $6,970.00 *Loss of competitive advantage:* $400,000.00 *Family law act claim:* Husband- $20,000.00	Struck in the head and neck area with a heavy box. May have lost consciousness briefly. Suffered pain in her neck, shoulder, upper body, and chest. Sustained a major injury to her cervical spine causing her pre-existing spinal condition to become symptomatic. The injury also resulted in spinal cord compression in plaintiff's neck, resulting in permanent effects on her spinal nerves, causing slight weakness of the left upper limb and slight sensory symptoms in the left side of her body. P's testimony was not credible at times.
Keech	Chang	2009 April 20	[2009] O.J. No. 1614	S.C.J.	D.F. Baltman J.	Female 60 years at trial	$85,000.00		Defendant physician negligently administered spinal epidural anaesthetic causing the PL to experience genital paresthesia, buttock numbness and bowel dysfunction.

Spine Below Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Musselman	875667 Ontario Inc. (c.o.b. Cities Bistro)	2010	[2010] O.J. No. 2325	S.C.J.	R.D. Reilly J.	Female 71 years	$326,000 *Family Law Act:* Husband - $85,000 Daughter 1 - $30,000 Daughter 2 - $48,000 Son - $48,000 Grand-daughter - $22,000 Grand-son - $5,000	*Future Care:* $1,000,000 *Special Damages:* $828,000 *Family Law Act:* Husband - $100,000 (*Loss of Household Services)* $670,000 (*Special Damages*) $85,000 (*Loss of Care and Companionship*) Daughter 1 - $56,453 (*Special Damages*) Daughter 2 - $17,597 (*Special Damages*) Son - $48,000 (*Special Damages*)	Slip and fall. Dangerous stair conditions. Serious fracture of the second cervical vertebrae causing quadriplegia. Life expectancy halved.
Appealed by Plaintiff.		2012 January 24	[2012] O.J. No. 649	Ont. C.A.	Doherty, LaForme and Hoy JJ.A				Appeal on basis that trial judge should have considered Defendant to be an occupier, potentially increasing the damage award. Unsuccessful. Damages not amended. Costs awarded to Defendant at $25,000.

Spine Below Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Margeson	Moreau	2010	2010 ONSC 6371 [2010] O.J. No. 4985	S.C.J.	DiTomaso J.	Male 32 years	$125,000	*Aggravated Damages:* $25,000 *Past Lost Income:* $77,133.44 *Future lost income:* $70,000 *Future Care Expenses:* $56,100 *Subrogated OHIP claim:* $16,788.93 *Family Law Act*: $37,500 *Trial Costs*: $15,000	Plaintiff assaulted by defendants. Suffered permanent back and neck injuries resulting in chronic pain, sleeping difficulties and depression. Plaintiff now works at a diminished capacity, has a more troubled relationship with his wife, cannot do much physical activity with his son and is largely incapable of doing house maintenance that he previously did.
McDonald	Kwan	2010	2010 ONSC 5861 [2010] O.J. No. 4511	S.C.J.	Eva Frank J.	Male 36 years	$98,000 (70% of $140,000)	*Future income loss:* $579,612 *Loss of housekeeping capacity*: $66,500 *Family Law Act*: $12,000	Plaintiff's car hit by defendant's car. Plaintiff subsequently involved in two car accidents. Suffered chronic back and neck pain and extreme depression. 70% attributed to first accident. Plaintiff forced to leave work on long-term disability due to mental and physical damage.

Spine Below Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Billings	Mississauga (City)	2010	2010] O.J. No. 3304	S.C.J.	C.N. Herold J.	Male	$85,000	*Loss of Past Income:* $25,000 *Special Damages:* $3,127	Damages calculated but not awarded. Slip and fall on icy sidewalk. Fractured tail bone; severe back pain. Head injury. Soft tissue shoulder injury. Bruised elbow. Damages reduced 25% for contributory negligence.
Appeal by Plaintiff		2011	[2011] O.J. No. 1449	Ont. C.A.	D.R. O'Connor A.C.J.O. J.I. Laskin J.C. MacPherson JJ.A.				Appeal dismissed. The city's policy toward snow removal was reasonable and they adhered to the policy.
Fernandes	Penncorp Life Insurance Corp.	2013 March 22	[2013] O.J. No. 1304	Ont. S.C.J.	P.B. Hambly J.	Male 48 years	*Aggravated Damages:* $100,000.00	*Punitive Damages:* $200,000.00 *Contractual Damages:* $236,773.00	Breach of contract. Plaintiff injured his neck and back falling off a scaffold, and was unable to continue his work as a bricklayer. Insurance policy with the defendant provided for ongoing disability benefits of $3,000 a month. Defendant refused to continue payments, on the ground that the plaintiff was not disabled as contemplated in the contract. Court held that the plaintiff was disabled. Could not continue work as a bricklayer, suffered ongoing pain, decreased stamina. Inability to find other work due to poor English skills and severely limited cognitive functions.

Spine Below Neck									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Khelifa Appeal dismissed. Trial judgement affirmed	Ontario Corp. 1358584	2015 February 13 2016 September 23	[2015] O.J. No. 888 2016 ONCA 698	Ont. S.C.J. Ont. C.A.	D.A. Wilson J. John Laskin J.A., K. Feldman J.A., and C.W. Hourigan J.A.	Female 34 years	$175,000	*Future care costs*: $100,000 *Future loss of income*: $125,000 *Subrogated OHIP claim*: $79,698	Plaintiff slipped on ice on fire escape. Plaintiff suffered laceration to her scalp, mild traumatic brain injury, burst fracture and transverse process fractures to her lumbar spine, fracture to her thoracic spine, factures and permanent articular cartilage damage in both ankles. Plaintiff continues to suffer from post-traumatic stress disorder, headaches, and ongoing back, leg and foot pain. Unclear if pre-existing depression was aggravated by her injuries.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Dusk	Malone	S.C.J.: 1999 October 19 Ont. C.A.: 2002 January 16	S.C.J.: [1999] O.J. No. 3917 Ont. C.A.: [2003] O.J. No. 44; (2003) 167 O.A.C. 333	Ont. C.A. affirming S.C.J. (Toronto, Ontario)	S.C.J.: Brennan J. Ont. C.A.: O'Connor, Catzman, Weiler JJ.A.	2 Male	Plaintiff 1: $75,000.00 Plaintiff 2: 40,000.00	Family Law Act: Wife: $5,000.00	Tightness in parts of neck. Pain in chest & back. Restricted neck movement. Facial injury. Requiring plastic surgery. Broken teeth. Knee lacerations requiring sutures. 85% improved 3 years after accident. Whiplash to cervical and lumbar spine. Degenerative disc disease. Numbness and tingling of hands. Spasms. Anxiety. Loss of confidence. Memory loss. Largely recovered 11 years later.
Macartney	Islic	2000 January 11	183 D.L.R. (4th) 374, 16 C.C.L.I. (3d) 8, 46 O.R. (3d) 669, 50 M.V.R. (3d) 138 (Ont. C.A.), reversing in part (1996), 29 O.R. (3d) 720 (Gen. Div.)	Ont. C.A.	Morden, Laskin, Rosenberg JJ.A.	Female 34 years	$25,000.00		Soft tissue injuries to neck and back. Failure to follow medical advice. Lifestyle not helpful to recovery.
Ioannidis	Hawkings	2001 September 5	[2001] O. J. No. 3788; (2001), 16 M.V.R. (4th) 282; [2001 O.T.C. 698 Upheld on appeal: [2003] O. J. No. 1799	Ont. C.A. affirming S.C.J. (Milton, Ontario)	Speyer J.	Female	$100,000.00		Whiplash, neck, back injuries, general dizziness, potential mild brain injury.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hutchison	Dalton	2002	[2002] O.J. No. 4764	S.C.J. Hamilton, Ontario	Cavarzan J.	Female	$50,000.00	*Future care costs*: $83,074.00 *Loss of competitive advantage*: $162,801.00 *Family Law Act Claim*: Husband - $15,000.00 *Family Law Act Claim* Daughter – $5,000.00	Stepped on beer bottle and fell. Severe injury to ankle. Whiplash type injury. Sublaxation and numerous fractures. Chiropractic treatment. Leg cast for 7 wks. Numerous operations. Likely arthritic. Pre-existing spinal cord condition. Panic in job – laid off. Difficult to find employment. Separated from husband.
Seguin	Vandinther	2002 September 9	[2002] O. J. No. 3719; (2002), 44 C.C.L.I. (3d) 280; [2002] O.T.C. 717	S.C.J. London, Ontario	Ross J.	Female Male	$20,000.00 $35,000.00		Female suffered cracked ribs, minor renal contusion, whiplash associated disorder. Returned to work but req'd back rest and foot support. Couldn't hold child for more than 10 mins. Male suffered from bruised kidney, severe whiplash, soft tissue damage, swollen elbows. Returned to more sedentary work. Gave up athletics except golf.
Hanna-Harik	Waters	S.C.J.: 2002 May 3 Ont. C.A.: 2003 June 18	S.C.J. [2002] O.J. No. 1790; [2002] O.T.C. 335 Ont. C.A.: [2003] O.J. No. 2413	Ont. C.A. varying in part S.C.J. (Ottawa, Ontario)	S.C.J.: Manton J. Ont. C.A.: Labrosse, Charron, Sharpe JJ.A.	Female 29 years	$45,000.00		Moderately severe musculo-ligmentous injury of cervical and upper thoracic spine. Fibromyalgia. Insufficient dedication and commitment to rehab.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hornick	Kochinsky	2005 March 29	[2005] O.J. No. 1629	S.C.J. Chatman, Ontario	Thomson J.	Male 39 years	$125,000.00	*Past loss of income*: $14,390.00 *Family Law Act*: wife-$45,000.00 *Family Law Act* Sons- $45,000.00 each	Severe whiplash and brain injury as result of MVA. Ongoing problems with lower back, left shoulder and right knee. Soft tissue injuries. Severe adjustment disorder involving significant anxiety, depression and frustration.
Momand Appeal allowed in part.	Wild Water Kingdom Ltd.	2005 September 22 2006 October 31	[2005] O.J. No. 4025 [2006] O.J. No. 4336	S.C.J. Ont. C.A. Toronto ON	H.E. Sachs J. R.P. Armstrong and R.A. Blair JJ.A. and J.D. Cunningham A.C.J.S.C.J. (ad hoc)	Female 23 years	$70,000.00	*Past and Future loss of income*: $222,803.72 *Future care costs*: $82,728.27 *Family Law Act*- Husband $12,000.00 *Future care costs:* $72,728.27	Waterslide injury: Struck head when bumped & thrown from inner tube. Whiplash injury to neck, concussion, migraine headaches, pain in neck & shoulder, nausea, dizziness, difficulty concentrating, memory problems, pain in arm & fingers, stiffness & tingling in fingers, chronic pain syndrome, depression. Ongoing and constant headaches. Appeal allowed in part: Future care costs awarded regarding costs of Zomig medication reduced to account for expected decreased cost due to generic competition.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Moore (Litigation Guardian of) Appealed: Successful re cost issue. Damages not amended.	Wienecke	2006 February 17 2008 March 6	[2006] O.J. No. 202 2006 CARSWELLONT 974 *amending* 2006 CarswellOnt 284 [2008] O.J. No. 841	S.C.J. Ont. C.A. Toronto ON	Mesbur J. J.C. MacPherson, R.P. Armstrong and G.J. Epstein JJ.A.	Male 35 Years Old	1998 Accident $40,000 2002 Accident $60,000	1998 Accident *Loss of Future Income* $38,854 *Future Care* $3,500 *FLA claims* $1000 for each child 2002 Accident *Loss of future income* $349,689 *Future Care* $31,500 *FLA claims* $2500for each child	Complex case involving 2 separate mva's; first in 1998 and second in 2002; plaintiff had pre-existing brain damage from previous motorcycle accident in 1991 1998 Accident -broke toe -fell down stairs as a result of the toe injury which lead to a knee injury that required surgery -continuing pain in knee and foot 2002 Accident -severe and permanent upper back pain -Grade 2 whiplash disorder
Sherman	Guckelsberger	2008 December 29	[2008] O.J. No. 5322	S.C.J.	J.A. Milanetti J.	Female 32 years at trial	$25,000.00	*Past Wage Loss:* One week of full-time earnings and two weeks of part-time earnings	No liability – damages calculated but not awarded. PL injured when her motor vehicle was struck from behind. As a result of her injuries, the PL suffered from daily headaches, neck pain, and numbness and tingling in two fingers on her right hand. PL's claim for future wage loss did not meet the threshold of a "permanent, serious impairment of an important physical, mental, or psychological function" under the Insurance Act.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Watts	Donovan	2009 May 28	[2009] O.J. No. 2208	S.C.J.	J.R. MacKinnon J.	Female 29 Years	$95,000	*Loss of Future Income:* $60,000 *Housekeeping Assistance:* $10,000 *Family Law Act:* Husband - $10,000 (Loss of care guidance and companionship)	MVA causing whiplash and mild brain trauma. Poor sleep, chronic pain, P.T.S.D., and emotional vulnerability. Thin skull.
Georgiou	Vassos	2010 November 30	[2010] O.J. No. 4865	Ont. S.C.J.	L.B. Roberts J.	Male 25 (at time of injury)	$125,000	*Lost Wages:* $11,048.40 *OHIP Subrogated claim:* $502.15 *Damages payable reduced to account for money received from Criminal Injuries Compensation Fund:* -$16,150.00	Defendant pushed plaintiff through a glass window. Plaintiff suffered severe lacerations to his face (7-8 cm) which caused him pain for a year and caused serious scarring. Scar tissue makes it difficult to eat and shave. Also suffered back and neck pain which forced him to give up sporting activities he loved. Personality shifted since accident – became withdrawn, shy, and cold. Caused him to abandon plans to become police officer. Embarrased about physical appearance.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Placzek	Green	2010 October 15	[2010] O.J. No. 4382	Ont S.C.J.	H.A. Rady J.	Female 47	$85,000		Low-speed MVA. Plaintiff suffers from chonic pain in head and neck, numbness in left arm, hand, left trunk, leg and foot. Injuries inflamed due to pre-existing condition of fibromyalgia. Judgment requests additional submissions from counsel to quantify future cost of care and loss of income.
Appealed by Defendant.		2012 January 26	[2012] O.J. No. 651	Ont. C.A.	Doherty, LaForme and Hoy JJ.A.				Appeal on basis that judge decision to discharge jury, and the quantification of damages, required re-assessment. Unsuccessful. Damages not amended. Costs awarded to Plaintiff.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.				A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries.
						P1: Female 70 years	P1: $45,000	*P1: Loss of Housekeeping: $3,000* *P1: Special Damages: $250*	P1: stitches to head and leg, cast then crutches, headaches, knee pain.
						P2: Male 37 years	P2: $50,000	*P2:Family Law Act Claim – Wife: $10,000*	P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain.
						P3: Female 30 years	P3: $30,000	*P3: Family Law Act Claim – Husband: $10,000*	P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety.
						P 4: Male 28 years	P4: $60,000	*P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder.
						P5: Male 33 years	P5: $20,000		P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)						P6: Male 30 years	P6: $25,000		P6: bruising on mid and low back. Cut to head requiring stitches and later infected. Cut to left hand. Abrasions to neck and mid-back. Physiotherapy required.
						P7: Female 27 years	P7: $65,000	*P7: Loss of Future Housekeeping: $5,000* *P7: Loss of Past Wages: $320*	P7: pain and discomfort to face, above left eye, along right side, right elbow, lower back. Compression fracture. Open wound injury to right knee and some bruising. Stress and anxiety. Chiropractor required.
						P8: Male 19 years	P8: $20,000		P8: back and knee pain. Cuts on right hand, near thumb of left hand, skull and chin, resulting in scar. Difficulty sleeping and fatigue.
						P9: Female 38 years	P9: $55,000		P9: anxiety/PTSD. Bruising, back pain. Possible compression fracture.
						P10: Male. 14 years	P10: $65,000	*P10: Loss of Future Housekeeping: $5,000*	P10: cuts on head and arm. Bruising on right shoulder, resulting in rotator cuff tendinitis and muscle strain. Lower back pain. Chronic pain. PTSD. Physiotherapy required.
						P11: Female 39 years	P11: $50,000		P11: whiplash. Bruising to lower left leg, upper left arm, tailbone, and one finger. PTSD.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)						P12: Female 29 years	P12: $70,000	*P12: Loss of Future Housekeeping: $25,000* *P12: Special Damages: $6,179.08*	P12: pregnant at time of accident. Ankle, neck and lower back pain leading to chronic pain. Physiotherapy required.
Ivens	Lesperance	2012 July 19	[2012] O.J. No. 3363	Ont. S.C.J.	G.M. Mulligan J.	Male, 41 Years Old	$100,000.00	*Future Income Loss:* $55,000.00 *Past Income Loss:* $56,000.00	Plaintiff in an accident while riding his motorcycle. Left knee fracture, right knee contusion, back injury. Some spinal and neck damage. Suffers from chronic pain, disturbed sleep, and headaches. Prior ankle injuries from a previous motorcycle accident (thin skull). Jury found plaintiff forty-five percent liable for his injuries.
Zurek	Ferris	2012 November 5	[2012] O.J. No. 5163	Ont. C.A.	J.I. Laskin, R.A. Blair and G.J. Epstein JJ.A.	Female	$40,000.00	*Past Income Loss:* $40,000.00 *Future Cost of Care:* $30,000.00 *Family Law Act: Son-* $15,000.00	Plaintiff was rear-ended in an automobile accident. Suffered whiplash, soft tissue damage in her neck and back. Plaintiff appealed jury award on the basis of denied future income cost. Appeal was dismissed.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Fulcher	Conklin	April 8, 2013	[2013] O.J. No. 2668	S.C.J.	Sanderson J.	Male 44 years	$100,000	*For loss of earning capacity:* $670,000 *For loss of housekeeping + future maintenance:* $30,000 *Physiotherapy costs:* $6,910.66 *Family Law Act:* Son - $17,5000 *Per quod claim:* $43,623.75	Motor vehicle accident. Whiplash, back pain due to a compressed nerve. Required surgery which resulted in spasms and intense pain. Reduction of damages by 50% due to plaintiff's vulnerable back that would have been further herniated and required surgery.
Appeal Dismissed		October 20, 2014	[2014] O.J. No. 4888	ONCA	Strathy C.J.O., Rouleau and Hourigan JJ.A.				Appellant claimed trial judge had no basis for awarding the quantity of loss of earning capacity. Appeal dismissed.
Glass	Glass	2013 June 7	[2013] O.J. No. 2602	Ont. S.C.J.	G.M. Mulligan J.	Male	$125,000	*Future Cost of Care*: $150,000.00	Plaintiff was a passenger in an automobile accident. Suffered whiplash, neck injuries, broken ankle, and broken sternum. Has ongoing difficulty walking. Clinical depression exacerbated by pain (Thin Skull). Virtually housebound by injuries.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Les Fibres J.C. Inc.	OGO Fibres Inc.	October 28, 2013	[2013] O.J. No. 4943	SCJ	Matheson J.	Male	$50,000	*Loss of future earnings capacity*: $67,000	Plaintiff suffered whiplash-type soft tissue injuries, including an exacerbation of a pre-existing injury to his lower back. His injuries impacted his ability to return to work as an electrician.
Leochko	Rostek	December 20, 2013	[2013] O.J. No. 6077	SCJ Thunder Bay	Shaw J.	Female 37 years	$10,000	Past Loss of Income: $14,521.21	Whiplash and chronic pain as a result of a motor vehicle accident. Moderate soft tissue injury, a myofacial strain including muscle and connective tissue. Experienced headaches, nausea, dizziness and neck pain radiating to her shoulders and tingling and numbness of her left arm and fingers Liability was admitted by the defendant.
Djermanovic	Mckenzie	February 28, 2014	[2014] O.J. No. 1082	SCJ	Broad J.	Male 41 years	$10,000		Whiplash as a result of a motor vehicle accident. Plaintiff evidence was neither credible nor consistent. Did not meet the threshold for major depression or major anxiety. The jury's award of $10,000 for non-pecuniary damages is reduced to zero by the application of the deductible pursuant to sub-subparagraph 3(i) B of subsection 267.5 (7) of the *Insurance Act*, set at $30,000 pursuant to s.5.1 of O.Reg. 461/96.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lutes	Air Canada	2014 May 14	[2014] O.J. No. 2382	Ont S.C.J.	R.D. Reilly J.	Female Adult	$110,000,	*Special Damages*: $46,497 *Past Loss of Income*: $168.000 *Future Loss of Income and Pension*: $600,000 *Family Law Act: Husband* $25,000 *OHIP*: $3,000	Plaintiff was a passenger on a flight that had a jarring impact upon landing. Plaintiff suffered headaches and chronic pain in her back. Conditions may never resolve.
Saleh	Nebel	2015 February 2	2015 ONSC 747 249 ACWS (3d) 424 Additional reasons re: costs 2016 ONSC 3680	Ont. S.C.J.	F.L. Myers J.	Male 63 years	$30,000		MVA. Damages calculated but not awarded. Soft tissue injuries to neck, shoulder, and back. Defendant admitted liability. The plaintiff's evidence was neither credible nor consistent. Impairment did not meet the threshold for being substantial and permanent.
Morgan	Saquing	2015 June 4	2015 ONSC 2647 259 ACWS (3d) 287	Ont. S.C.J.	Glustein J.	Male	$15,000		MVA. Damages calculated but not awarded. Plaintiff claims to have suffered carpal tunnel syndrome but lacked evidence showing causation. Claims to have suffered soft tissue injuries and pain but failed to meet the threshold for permanent, serious impairment. There were found to be other contributing orthopaedic causes of pain not linked to the MVA.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Bruff-Murphy (Litigation guardian of)	Gunawardena	2016 January 5	2016 ONSC 7 262 ACWS (3d) 729	Ont. S.C.J.	Jane J.	Female	$23,500		MVA. Plaintiff was pregnant at the time of injury. Plaintiff suffered soft tissue injuries, musculoskeletal impairments, depression, anxiety, PTSD and pain disorder. Despite limited physical capacity and ability to work, no future loss claims were awarded by the jury. Defendant admitted liability.
Corbett	Odorico	2016 March 22	2016 ONSC 1964 264 ACWS (3d) 759	Ont. S.C.J.	Charles T. Hackland J.	Female 40 years	$33,000	*Past housekeeping:* $13,927.82 *Past care costs:* $9,367.16 *Future housekeeping:* $21,000 *Future care costs:* $12,000	MVA. Plaintiff suffered chronic pain, anxiety, adjustment disorder, depression, and had a pre-occupation with symptoms. Permanent and serious impairment was particularly found in relation to the plaintiff's somatic symptom disorder.
Bishop-Gittens	Lim	2016 April 28	2016 ONSC 2887 266 ACWS (3d) 201	Ont. S.C.J.	M.K. McKelvey J.	Female 37 years	$40,000		MVA. Plaintiff suffered pain in neck, shoulder and back. She alse suffered from headaches, difficulty sleeping and emotional instability. She was not expected to substantially improve.
Arteaga	Poirier	2016 June 3	2016 ONSC 3712 267 ACWS (3d) 693	Ont. S.C.J.	DiTomaso J.	Female	$20,000	*Future care costs:* $13,150	MVA. Plaintiff suffered soft tissue injuries, ongoing anxiety, driving phobia, depression and chronic pain. No future loss of income awarded due to the plaintiff's early retirement.
Thomas	Pin to Pin Express Inc.	2016 June 25	2016 ONSC 4385 269 ACWS (3d) 74	Ont. S.C.J.	Firestone J.	Male 40 years	$49,500		MVA. Plaintiff suffered from chronic pain in neck, upper and lower back and a tendon tear in right elbow. Plaintiff underwent surgery to address the tear. Despite surgery, plaintiff was left with ongoing elbow pain and a limited range of motion. The Defendant was noted in default.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Pomeroy	Misljencevic	2016 November 4	2016 ONSC 5867	S.C.J.	R. Scott J.	Female, 44	$140,000.00	*Management fee:* $17,100.00 *Future income loss:* $372,000.00 *Past income loss*: $137, 211.00	MVA- Plaintiff's vehicle was rear-ended and forced under a truck in front of her. Plaintiff immediately suffered from myofascial chronic pain in the neck and right trapezius muscles and related cervicogenic headaches and right frozen shoulder. Plaintiff has not recovered from physical impairments and is unable to work. The overall award was increased by 0.8% to account for productivity.
McLeish	Daines	2017 Feburary 2017	[2017] O.J. No. 572	S.C.J	R.J. Smith J.	Female	$65,000.00	*Loss of future earnings*: $175,000.00	MVA-The plaintiff suffered soft tissue pain in her neck and lower back, as well as headaches and difficulty sleeping. The plaintiff was excessively tired after working, had difficulty performing daily household tasks, and often withdrew from social contact due to her pain. She was unable to enjoy raising her five-year-old daughter. She had been unable to participate in recreational activities. Her relationship with her common-law partner was negatively impacted. The plaintiff's chronic pain prevented her from completing the tests required to become a police officer or a military police officer.

Whiplash									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Valentine	Rodriguez-Elizalde	2016 June 2	[2016] O.J. No. 2945	S.C.J	Firestone J.	Female, 17	$30,000.00	*Loss of future earnings*: $50,000.00 *Past lost income:* $4,684.17.00	MVA-Plaintiff is a 17-year-old student. She suffered soft tissue injuries to her neck, back, and shoulders. Her symptoms were aggravated by activity. Standing or sitting for long periods of time and her employment made her neck pain worse. She had daily lower back pain and suffered neck pain three to four times per week. Her ability to perform housekeeping tasks and engage in recreational sporting activities was impacted.
Shipley	Virk	2017 August 18	[2017] O.J. No. 4765	S.C.J	Trimble J.	Female	$7,500.00		MVA-plaintiff claimed that she suffered injuries to her neck, upper and lower back, left hip, left knee, and right jaw. She complained of chronic pain in all of these areas, frequent, long lasting post-traumatic headaches. Plaintiff also claimed that her pre-existing arthritis and fibromyalgia were aggravated and that she suffered major depression and post-traumatic stress disorder. At trial, the jury awarded plaintiff general damages in the amount of $7,500.00 The plaintiff's action dismissed on threshold motion. Award for general damages is eliminated by the statutory deductible under the *Insurance Act.* Plaintiff also failed to prove that she sustained a serious permanent impairment of an important physical, mental or psychological function.

BODY

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Colbourne	Ticknovich	1999	Trial decision [1997] O.J. No. 1178 (1997) 28 O.T.C. 112, affirmed: [1999] O.J. No. 1911 (1999) 121 O.A.C. 333	Ont. C.A.	Labrosse, Goudge, Finlayson JJ.A.	Male 29 years	$160,000.00	*Future Loss of Income*: $442,725.00	Massive trauma to chest, hip, thigh. Extensive abdominal injuries and ruptures. Broken pelvis. Sacroiliac joint injury. Persisting back pain 8 years after accident. Headaches and depression. Nerve damage. Best course was to re train as teacher in related field.
Baillargeon	Murray	2001 January 15	[2001] O. J. No. 148; (2001), 52 O.R. (2d) 278; (2001), 10 M.V.R. (4th) 92; [2001] O.T.C. 10	S.C.J. St. Catharines, Ontario	Henderson J.	Male 55 years	$110,000.00 (in total for 3 accidents)	*Future loss of income*: $97,630.00	3 accidents Fracture C-6 vertebra. Injury to neck - Musculoligamentous. Acceleration of previous asymptomatic changes in cervical and lumbar spine. Myelomalacia at C 4/5/6/7. Surgery relieved pain significantly. Bowel and bladder problems. Sexual dysfunction. Psychological problems. Permanently unemployable.
Clark	Doublerink Arenas Ltd.	2001 May 14	[2001] O.J. No. 1841 [2001] O.T.C. 364	S.C.J. Toronto, Ontario	Pitt J.	Male	$60,000.00		Dislocated left shoulder, nerve damage to left arm. Fractured left tibia and fibula. Pain in neck, shoulders, back, spine, arms and legs. Emotional stress and depression. Insomnia. Predisposed to future problems. Shoulder later re-injured in work-related accident.
Malhalab	Windsor (City)	2001 June 22	[2001] O.J. No. 2758 (2001) 21 M.P.L.R. (3d) 76	S.C.J. Windsor, Ontario	J.G. Quinn J.	Male	$22,000.00		Fractured 4 ribs. Compression fracture of thoracic vertebrae. Aggravated arithritic condition of neck and back. Unable to return to previous employment. Replaced by another employee.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hossney (a.k.a. Hossny)	Ramsoodar	2001 December 18	[2001] O. J. No. 5018; [2001] O.T.C. 915	S.C.J. Toronto, Ontario	Cullity J.	Male 48 years	$65,000.00	*Future loss of earnings*: $187,160.00 *Loss of business*: $40,000.00	Soft tissue injuries to neck and back. Debilitating depression. Unable to work. Social life affected. Psychological impairment contributed to chronic pain. Poor prognosis. Computer programmer. Pre-existing degenerative disc disease.
Miller	Moulure Alexandria Moulding Inc.	2001 December 21	[2001] O. J. No. 5463; [2001] O.T.C. 967; (2001), 36 C.C.L.I. (3d) 127	S.C.J. Simcoe, Ontario	Lofchik J.	Female	$55,000.00	*Future loss of earnings:* $90,000.00	Soft tissue injuries exacerbated previous back problems and resulted in continuous neck, shoulder and lower back pain. Significant possibility of non return to full time employment. Possible permanent disability. Post-traumatic stress symptoms. Reactive depression.
Carere	Cressman	2002 April 16	[2002] O.J. No. 1496, [2002] O.T.C. 258, (2002) 12 C.C.L.T. (3d) 217	S.C.J. Welland, Ontario	Henderson J.	Male 16 years	$225,000.00	*Future loss of earnings*: $949,000.00 *Family Law Act Claims*: Mother - $216,000.00 *Family Law Act Claims* 3 sisters - $20,000.00 $5,000.00, $10,00.00	Cerebral palsy. Doctor's negligence in performing external cephalic version on plaintiff's mother during pregnancy. Underwent many surgeries. Pain in knees, hip, ankle, low back. Bowel problems. Never live independently without supervision. Never competitively employable.
O'Day	Facoetti Estate	2002 June 14	S.C.J.: [2002] O. J. No. 2374; [2002] O.T.C. 425 Additional Reasons: [2002] O. J. No. 2804	S.C.J. Toronto, Ontario	Pitt J.	Male	$50,000.00	*Loss of competitive advantage*: $20,000.00	Long haul truck driver. Soft tissue injury to lumbar spine. No longer returned to recreational sports. Post-traumatic stress disorder. Limited work as driver of cement mixing truck in metropolitan area.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hunt (Litigation Guardian of)	Martin	2002 August 31	[2002] O.J. No. 3227; (2002) 40 C.C.L.I. (3d) 75; [2002] O.T.C. 612	S.C.J. Toronto, Ontario	Chapnick J.	Male 31 years	$85,000.00	*Future loss of income*: $15,000.00. *Family Law Act Claims*: Wife - $25,000.00 *Family Law Act Claims* Son – 47,500.00	Ruptured lumbrosacral disc. Pre-accident operation – lumbar laminectomy and discectomy due to herniation of L5-S1 disc. Same problem after accident. Classic thin skull plaintiff. Lacerations, soft tissue injuries. Residual effect of accident was low back pain and left leg pain. Returned to work 1 month after surgery. Gave up athletics except golf.
Humad	Fair Claims	2003	2003 CarswellOnt 5376 [2003] OJ No. 5432	S.C.J.	Pepall	Female	$30,000.00		Soft tissue injury to neck and back, headaches and dizziness, chest pain, breathing problems, tingling in left arm, increased sleeping difficulty.
Dunn	Mississauga (City)	2003 January 10	[2002] O.J. No. 5084; (2002) 186 O.A.C. 230; (2002) 44 C.C.L.I. (3d) 211	Ont. Div. Ct. Appeal from S.C.J., Backhouse J.	Caputo, Chadwick, Howden JJ.	Female	$22,500.00		Passenger in bus. Injured when bus braked suddenly. Chronic back and left hip strain. Difficulty carrying her children and day to day living.
Williams	Mendez	2003 January 23	[2003] O. J. No. 465 Additional reasons: [2003] O. J. No. 473	S.C.J. Newmarket, Ontario	Shaughnessy R.S.J.	Female 39 years	$120,000.00	*Future loss of earnings* $130,931.20	Multiple soft tissue injuries. Injury to arms, elbow, lower back, neck, shoulders. Disfiguring & permanent scars. Neurostimulator malfunctioned. Significant emotional distress. Likely to be permanent. Assistance with all chores. Lessened sports activities.
Polsinelli	Goodman	2003 March 25	[2003] O. J. No. 1075	S.C.J. Toronto, Ontario	Jennings J.	Male	$70,000.00		Car accident. Pre-existing symptomatic degenerative disc disease. Soft tissue injuries to neck and back. Autobody repairman. Would eventually return to work. Earned $85k per yr.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Barniske	Mohamed	2003 March 5 Additional Reasons: 2003, April 2	[2003] O. J. No. 810 Additional Reasons: [2003] O.J. No. 1327	S.C.J. Sault Ste. Marie	Caputo J.	Male 33 years	$55,000.00		Concussion and soft tissue injuries when bicycle struck by vehicle. Swollen face, neck & back pain, abrasions, hip contusion, and stiffness. Rotator cuff tendonitis and overlap problem with cervical spine mechanical pain. Physiotherapy didn't help. Let go from printing business. 9 yrs post-accident suffered stiffness and irritation to shoulder & neck. Limited work & recreation.
Mizzi	Hopkins	2003 May 7, upheld trial decision: Dec. 27/01, Coo J.	[2003] O. J. No. 1671	Ont. C.A.	Borins, Cronk, Armstrong JJ.A.	Female	$30,000.00	Past loss of income for 2 yrs only: $48,000.00	Jury verdict upheld despite trial judge not instructing jury properly re contributory negligence. Motor vehicle accident. Mild brain injury with cut to scalp. Mild concussion. Memory, concentration affected. Depression. Neck and back pain. Jury considered appropriate factors.
Hendry	McGrath	2003 June 6	[2003] O.J. No. 2492	S.C.J.	Belleghem J.	Female	$112,500.00	*Future loss of income*: $300,000.00 *Past loss of income*: $40, 000.00 *Family Law Act*: Wife- $35,000.00 *Family Law Act*: Son- $20,000.00	Serious back injury, significant fracture to the L2-3 level, burst vertebrae at the L2-L4 level with a loss of height of approximately 40% of the L3 body. there was marked intraspinous widening at the L2-3 level. Chronic pain, possible future damage, left employment, agreed upon settlement terms were reasonable.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Brown	Flaharty	2004	[2004] O.J. No. 2539	S.C.J.	Jenkins	Male	$90,000.00	*Past Income Loss*:$144,800.00 *Future Loss of income*; $297,383.40 *Special Damages*: $181,838.95 *Future Cost Care*: $230,117.89 *Family Law Act* Claim: Spouse- $20,000.00 *Family Law Act Claim*: 3 daughters $5,000.00 each.	MVA - soft tissue injuries to neck and back; chronic pain syndrome and depression.
Rho	Madigan	2004	[2004] O.J. No. 5934	S.C.J. Toronto	Horkins	Male 56 years	$6,000.00	Out of pocket expense: $900.00	persistent pain in left chest - pain was constant and was worse with touch and movement; multiple fractures involving the left 7th, 8th, 9th, and 10th posterior ribs; multiple left rib fractures and contusion of the chest wall; an exacerbation of a previous neck injury and an aggravation of chronic mechanical low back pain; tightness, tenderness and a restricted range of motion of the neck.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Jones	Mazolla	2004 January 8	[2004] O.J. No. 366	S.C.J.	Herman J.	Female 35 years	$50,000.00	Loss of income: $2,748.48 Family Law Act: husband- $5,000.00 Family Law Act: Daughter- $15,000.00	Headaches, back, neck, shoulder and chest pain. Sleep problems and unable to perform household duties. Chronic pain due to injuries. Decreased concentration, emotional lability.
Ouellette	Hearst (Town)	S.C.J. 2002 October 29 Ont. C.A.: 2004 March 22	[2002] O.J. No. 4139; [2004] O.J. No. 1120 (C.A.);	S.C.J.; Ont. C.A. (Leave to appeal to S.C.C. dismissed with costs)	S.C.J.: Riopelle H. Ont. C.A.: Feldman, MacPherson and Cronk JJ.A.	Male 36 years	$110,000.00	*Past loss of income*: $78,800.00 *Future loss of income* $320,000.00 *Past loss of household services*: $9,000.00 *Future loss of household services* $20,000.00	Top of utility pole broke & fell on PL's vehicle. Knee meniscus tear, chronic knee pain, surgery, expected degenerative changes in the form of osteoarthritis, expected future knee replacement, constant back pain. Pre-existing knee injury. No longer able to perform some of more physically demanding functions of job.
Kennedy	Jackiewicz	2003 May 13 2004 November 25 2005 April 28	[2003] O.J. No. 1854 [2004] O.J. No. 4816 [2005] S.C.C.A. No. 27	S.C.J. Ontario Ont.C.A S.C.C.	Gravely J. Feldman, Charron, Laskin JJ.A. Abella J., Fish J., Major J.	Female 35 years	$125,000.00	*Family Law Act* Husband- $35,000.00 *Family Law Act* Son 1-$10,000.00 *Family Law Act* Son 2-$5,000.00 *Family Law Act* Son 3- $5,000.00	During surgery to remove ovaries, doctor damaged colon, damages went undetected, increasing pain and nausea, hole in colon, leakage caused sticky, scar-like lesions in abdominal cavity, internal organs stuck together, numerous secondary complications, almost constant pelvic pain, lower back pain, bladder spasm, bladder pain.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Vagliardo	Arnaiz	2004 June 24	[2004] O.J. No. 3428	S.C.J.	Wright J.	Male 38 years	$75,000.00	*Past Income Loss:* $25,130.00 *Future Loss of income*: $94,950.00	Sustained an injury to the left side of his head with temporary hearing loss. A left shoulder injury, neck injury and a lower back injury. His injuries were accompanied with headaches and persistent pain. His main complaints are neck pain and lower back pain.
Legros	Lai	2004 July 9	[2004] O.J. No. 3045	S.C.J.	G.I. Thomson J.	Male 54 years Plaintiff: Male, Wife, Son, daughter	$100,000.00	*Future Loss on Income:* $172,130.00 *Family Law Act:* Wife - $45,000.00 *Family Law Act*: *Son - $7,500.00* *Family Law Act:* daughter - $10,000.00	MVA -- permanent serious impairment to psychological function, moderate brain injury, chronic pain in legs, back, neck & knee and headaches.
Sorrento	Coffee Time Donuts Inc.	2004 August 6	[2004] O.J. No. 3428	S.C.J.	Hoilett J.	Female 34 years	$25,000.00		Injured her left great toe that was caught on the door while exiting the store. The immediate result of injury was bleeding and pain. Chronic pain. She developed lower back pain.
Latta	Ontario	2004 September 14	[2004] O.J. No. 3751	S.C.J. London, Ontario	Kennedy J.	Male 35 years	$120,000.00	Past income loss: $5,000.00 Future Income Loss: $225,000.00 Travel Expense: $5,236.32 Future Care Cost: 37,500.00$	Suffered a ruptured disc described as a huge central and right sided disc herniation occupying the majority of the spinal canal at L3-4 level with compression of the subarachnoid sac at the L-5 level. Damage to the nerve controlling the bladder and the bowel. Suffers from chronic pain of a relatively severe nature

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Desbiens	Mordini	2004 November 18	[2004] O.J. No. 4735	S.C.J.	Spiegel J.	Male 56 years	$165,000.00	*Family Law Act:* Wife- $40,000.00 *Future care costs:* $919,400.00	Motor Vehicle/Wheelchair collision -- fractured femur, leg & hip swelling, loss of consciousness, surgery, pressure sore, dizziness, poor memory, sleep disturbance, headaches, back, neck, elbow & knee pain, problems with attention & concentration, emotional distress, severe depression, severe anxiety, chronic back pain; 40% impairment of whole person.
Hutchinson	Stratford-Perth Family YMCA	2004 December 14	[2004] O.J. No. 5751	S.C.J.	J.M. Donnelly J.	Male 19 years	$75,000.00	*Past loss of income* $37,500.00 *Future loss of income* $37,500.00 Family Law Act claims: Brother- $500.00	Unsafe premises – violent fall on staircase. Chronic back pain.
Hornick	Kochinsky	2005 March 29	[2005] O.J. No. 1629	S.C.J. Chatman, Ontario	Thomson J.	Male 39 years	$125,000.00	*Past loss of income*: $14,390.00 *Family Law Act*: wife- $45,000.00 *Family Law Act* Sons- $45,000.00 each	Severe whiplash and brain injury as result of MVA. Ongoing problems with lower back, left shoulder and right knee. Soft tissue injuries. Severe adjustment disorder involving significant anxiety, depression and frustration.
Dahlia Action dismissed. Found no liability but assessed damages nevertheless.	Toronto (City)	2005 April 18	[2005] O.J. No. 6382	Ont. S.C.J.	R.S. Echlin J.	Female 32 years	$35,000.00	*Past loss of income:* $ 1,062.00 *OHIP subrogated claim:* $ 1,515.42	Slip and fall. Fell on knee and leg twisted. Pain in knee, groin, and back. 2 weeks in bed then mobile with crutches. Returned to work after five weeks. Likely suffered a torn meniscus, and might require surgery in the future. Lost some ability to play with and provide guidance to her daughter. Ability to participate in recreational activities was diminished.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
LaHay	Henderson	2005 April 29	[2005] O.J. No. 1705	S.C.J. Barrie, Ontario	T.M. Wood J	Male 43	$90,000	*Future Income:* $265,213 *Past Lost Income* $1,653.74 *Housekeeping Services* $10,000 *Family Law Act (Loss of care, guidance and companionship)* Wife: $30,000 Oldest child (mentally disabled): $15,000 – Two younger children each awarded $5,000.	Plaintiff suffered torn lumbar tissues in MVA. Plaintiff had chronic incurable back pain. Plaintiff ceased physiotherapy after he settled with his own insurance company. Plaintiff declined nerve block injections and attendance at residential pain management programme. Plaintiff weighed 345 pounds and was genetically disposed to obesity. Also suffered from migraine headaches. Future lost income was $804,100 based on annual income of $47,129 Figure was reduced by 30 per cent to reflect health problems associated with obesity
LaHay	Henderson	2005 April 29	[2005] O.J. No. 1705	S.C.J. Barrie, Ontario	T.M. Wood J	Male 43	$90,000	*Future Income:* $265,213 *Past Lost Income* $1,653.74 *Housekeeping Services* $10,000 *Family Law Act* (*Loss of care, guidance and companionship*) Wife: $30,000 Oldest child (mentally disabled): $15,000 – Two younger children each awarded $5,000.	Plaintiff suffered torn lumbar tissues in MVA. Plaintiff had chronic incurable back pain. Plaintiff ceased physiotherapy after he settled with his own insurance company. Plaintiff declined nerve block injections and attendance at residential pain management programme. Plaintiff weighed 345 pounds and was genetically disposed to obesity. Also suffered from migraine headaches. Future lost income was $804,100 based on annual income of $47,129 Figure was reduced by 30 per cent to reflect health problems associated with obesity

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Winters	Loblaws Supermarkets Ltd.	2005 June 14	[2005] O.J. No. 3406	S.C.J.	J.F. McCartney J.	Female	$40,000.00		Liability not established. Damages calculated but not awarded. Slip & fall on allegedly unsafe premises. PL injured back, hip, elbow and neck. All symptoms disappeared within a week except for neck pain. Aggravation of pre-existing neck condition. Difficulty turning neck to left. Leisure activities affected. Constant neck pain.
Peloso	778561 Ontario Inc.	2005 June 15	[2005] O.J. No. 2489	S.C.J.	C.D. Aitken J.	Female 33 years	$24,200.00	*Past loss of income* $2,031.00 *Future loss of income* $161,796.00	Snowplow backed into Plaintiff's vehicle. Chronic pain syndrome (headaches & backache). Pre-existing condition and failure to mitigate.
Gorman	Falardeau	2005 June 30	[2005] O.J. No. 2213	Ont. C.A. North Bay, Ontario	Laskin, Cronk, Gillese JJ.A.	Male 52 years	$120,000.00	*Future loss of income*: $299,940.00 *Past Loss of Income*: $180,000.00 *Future Care*: 35,000.00	3 accidents. Disabling chronic pain. He sustained a soft tissue injury to his neck ("the 1995 accident"). The 1995 accident aggravated the injuries that he had suffered in the 1989 accident. After the 1995 accident, Mr. Gorman was in constant pain and, consequently, he developed emotional problems. After the 1997 accident, his lower back pain, including pain in his left hip, worsened.
Mason	Moore	2005 September 9	[2005] O.J. No. 3799	S.C.J.	W.A. Jenkins J.	Female 48 years	$90,000.00	*Cost of care*: $63,087.00 *Past loss of income*: $43,013.00 *Future loss of income*: $225,675.00 *Family Law Act claim*: Husband- $15,000.00	MVA -- pain, swelling & limitation of movement in both knees, undisplaced fracture of patella, neck & back injuries, pain in neck, back & shoulder, 3 knee injections, aggravation of symptomatic degenerative knee changes, arthroscopic surgery, ongoing headaches & pain in neck and shoulder.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Nyamadi	Mississauga (City)	2005 October 7	[2005] O.J.R.E. 97519	S.C.J. Hamilton, Ontario	Morawetz J.	Female 19 years	$35,000.00	*Past Income Loss:* $10,981.61	Headaches, neck strain, right shoulder strain, back pain, chest pain, lower back pain, pain in the arms, bladder injury, muscle spasm, myofascial injuries throughout her body, and contusions. She claims that she suffers, and will continue to suffer permanent and serious psychological injuries, including hypertension, insomnia, fatigue, stress, depression, anxiety, irritability, memory loss, and cognitive difficulties.
Chan	The Erin Mills Town Centre	2005 November 25	[2005] O.J. No. 5027	S.C.J.	J.L. Lax	Male 52	$185,000	*Loss of care and companionship* to wife $50,000 *Care for husband* to wife $60,000 *Medical and rehab expenses* $56,571 *Renovations to house to accomdate* plaintiff $96,858 *Future loss of income* $147,946 *Past lost income* $343,200 *Future care* $720,640	Plaintiff polio survivor with one functional leg before accident Fractured patella of functional left leg, acute back pain post-polio syndrome as result of fall Future care award based on life expectancy of 14 years

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Moore (Litigation Guardian of) Appealed: Successful re cost issue. Damages not amended.	Wienecke	2006 February 17 2008 March 6	[2006] O.J. No. 202 2006 CARSWELLONT 974 *amending* 2006 CarswellOnt 284 [2008] O.J. No. 841	S.C.J. Ont. C.A. Toronto ON	Mesbur J. J.C. MacPherson, R.P. Armstrong and G.J. Epstein JJ.A.	Male 35 Years Old	1998 Accident $40,000 2002 Accident $60,000	1998 Accident *Loss of Future Income* $38,854 *Future Care* $3,500 *FLA claims* $1000 for each child 2002 Accident *Loss of future income* $349,689 *Future Care* $31,500 *FLA claims* $2500for each child	Complex case involving 2 separate mva's; first in 1998 and second in 2002; plaintiff had pre-existing brain damage from previous motorcycle accident in 1991 1998 Accident -broke toe -fell down stairs as a result of the toe injury which lead to a knee injury that required surgery -continuing pain in knee and foot 2002 Accident -severe and permanent upper back pain -Grade 2 whiplash disorder

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Garratt	Orillia Power Distribution Corp.	2006 April 13	[2006] O.J. No. 1484	S.C.J. Barrie	J. Ferguson J.	Female	$75,000 reduced 15% to reflect pre-existing condition: $ 63,750	*Pecuniary:* (a) past extra employee cost of $6,549.00; (b) future extra employee cost of $27,212.90; (c) future replacement cost of Mr. Lima of $87,958; (d) future loss of private clients of $35,539.18; (e) future housekeeping and house maintenance expenses of $20,714.20 *Family Law Act* – (Husband) - $17,000	P. suffered injuries to back and neck after sudden stop in MVA. P. had pre-existing condition. Medical evidence supported necessity of plaintiff hiring additional help if she was to retain her contract with commercial client -- Plaintiff also claimed lost income regarding her inability to continue cleaning private homes as she did prior to accident
Appeal allowed. Trial judgment set aside. TJ erred when she found liability.		2008 May 29	[2008] O.J. No. 2090	Ont. C.A. Toronto, ON	D.R. O'Connor A.C.J.O., E.E. Gillese and D. Watt JJ.A.				

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Ksiazek Appeal dismissed. Trial judgement upheld.	Newport Leasing Ltd.	2006 November 1 2010 May 11	[2006] O.J. No. 4366 [2010] O.J. No. 1922	S.C.J. Hamilton, Ontario Ont. C.A. Toronto, Ontario	C.R. Harris D.H. Doherty K.N. Feldman E.A. Cronk JJ.A.	Female 19 years	$60,000	*Family Law Act:* Mother - $10,000 Husband - $8,000 Child - $3,000 Child - $3,000 *Lost Income:* $72,800 *Future Care:* $7,500	Car accident; plaintiff suffered two fractured fingers, fractured sternum, soft tissue damage to neck and back; depression and anxiety related to continuing pain Damage award reduced by 25% as a result of plaintiff's failure to attend physiotherapy, take prescribed medications etc.
McIntyre	Grigg	2006 November 6	[2006] O.J. No. 4420	Ontario Court of Appeal, Toronto Appeal from Superior Court of Justice	R.R. McMurtry,K.M Weiler, R.A. Blair	Female University student	$250,000	*Punitive* reduced from $100,000 to $20,000 *FLA claims*: $15,000 for each parent and $5000 for sister *Aggravated damages* of $100,000 disallowed	Appeal allowed with respect to aggravated damages, *FLA* claims and punitive damages Plaintiff gifted athlete; suffered closed head injury, broken right femur; continued lower back pain, knee, ankle and shin discomfort, scarring on leg; brain trauma leading to depression, psychotic episodes, paranoia, two suicide attempts

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Chinsang Jury decision - Motion by defendant for order that plaintiff's injuries were too remote to allow recovery. Motion dismissed.	Bridson	2008 December 17	[2008] O.J. No. 5177	S.C.J.	P.H. Howden J.	Male	$150,000.00	*Past loss of income:* $43,000.00 *Future loss of income:* $800,000.00	Jury decision - Motion by defendant for order that plaintiff's injuries were too remote to allow recovery. Motor vehicle accident - Plaintiff suffered the following injuries: Neck, chest, arm, leg, back, head, brain, memory loss, elevated/increased anxiety, increased depression, arranging/processing of information. Motion dismissed.
Goody	Costco Wholesale Corp.	2009 July 17	[2009] O.J. No. 3025	S.C.J.	E.R. Kruzick J.	Female 53 years	$50,000.00	*Past Income Loss:* $50,736.00 *Future Income Loss:* $67,500.00 *Family Law Act Loss of Care, Guidance and Companionship:* Husband – $7, 500.00	Trip and fall accident. PL injured both her knees, hip and back. Incident contributed to plaintiff's chondromalacia. 25% damage reduction for pre-existing medical condition (prior knee and back problems). Damages for future income loss reduced by 10% due to uncertainty as to whether plaintiff would work until 65 years of age.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
O'Brien	Charbonneau	2009 March 13	[2009] O.J. No. 1029	S.C.J.	R.D. Gordon J.	Female 51 years at trial	$32,500		Plaintiff involved in a serious MVA with the defendant in 2000. Suffers permanent and constant back pain, ankle pain and pain-related fatigue that seriously affects her enjoyment of life. Defendant's motion for an order that plaintiff is not entitled to recover damages for non-pecuniary loss is dismissed.
Bourque	St. Joseph Health Centre	2009 October 2	[2009] O.J. No. 4055	S.C.J.	G.D. Lemon J.	Male 51 years	$35,000		No liability – damages calculated but not awarded. Alleged malpractice. Unspecified post-operative infection, severe ulnar neuropathy, numbness in arms & thumbs, pain in arm & hand, recurring back & leg pain and depression.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Greenhalgh	Douro-Dummer (Township)	2009 December 17	[2009] O.J. No. 5438	S.C.J. Peterborough, Ontario	P. Lauwers J.	Female 18 years	$275,000	*Family Law Act:* Mother - $60,000 Father - $30,000 *Loss of Past Income:* $23,000 *Loss of Future Income:* $267,359 *Wheelchair Accessible Renovations:* $247,594 *Special Damages:* $5,000	No liability – damages calculated but not awarded. Alleged negligence for failing to erect a 'No Exit' sign. Severe frostbite resulting in loss of eight fingers and both legs being amputated below the knee. Three months hospitalization. Phantom pain in legs & fingers. Cysts and ongoing pain on residual limbs. Occasional back & hip pain. Damages reduced 75% due to contributory negligence.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Musselman	875667 Ontario Inc. (c.o.b. Cities Bistro)	2010	[2010] O.J. No. 2325	S.C.J.	R.D. Reilly J.	Female 71 years	$326,000 *Family Law Act:* Husband - $85,000 Daughter 1 - $30,000 Daughter 2 - $48,000 Son - $48,000 Grand-daughter - $22,000 Grand-son - $5,000	*Future Care:* $1,000,000 *Special Damages:* $828,000 *Family Law Act:* Husband - $100,000 (*Loss of Household Services)* $670,000 (*Special Damages*) $85,000 (*Loss of Care and Companionship*) Daughter 1 - $56,453 (*Special Damages*) Daughter 2 - $17,597 (*Special Damages*) Son - $48,000 (*Special Damages*)	Slip and fall. Dangerous stair conditions. Serious fracture of the second cervical vertebrae causing quadriplegia. Life expectancy halved.
Appealed by Plaintiff.		2012 January 24	[2012] O.J. No. 649	Ont. C.A.	Doherty, LaForme and Hoy JJ.A				Appeal on basis that trial judge should have considered Defendant to be an occupier, potentially increasing the damage award. Unsuccessful. Damages not amended. Costs awarded to Defendant at $25,000.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Valdez	Clarke	2010 January 6	[2010] O.J. No. 31	S.C.J. Hamilton, Ontario	J.A. Milanetti J.	Male 53 years at trial	First MVA - $18,750 Second MVA - $6,250		MVA 1 - Chronic pain syndrome. Soft tissue injuries causing neck & back pain. Nerve root damage in neck, headaches and numbness in fingers. MVA 2 - Aggravation of ongoing neck and back injuries. Defendant's motion for an order that Plaintiff does not meet the threshold for permanent serious impairment is dismissed.
Ouderkirk Appeal dismissed. Trial judgement upheld.	Clarry	2010 May 28	[2010] O.J. No. 2223	Ont. C.A. Toronto, Ontario	K.N. Feldman R.P. Armstrong G.J. Epstein JJ.A.	Female	$30,000	*Loss of Income:* $10,000	No liability – damages calculated but not awarded. Plaintiff fell off deck. Fractured ankle. Required surgery. Ongoing pain in ankle and back plus 10-15% risk of post-traumatic arthritis.
Georgiou	Vassos	2010 November 30	[2010] O.J. No. 4865	Ont. S.C.J.	L.B. Roberts J.	Male 25 (at time of injury)	$125,000	*Lost Wages:* $11,048.40 *OHIP Subrogated claim:* $502.15 *Damages payable reduced to account for money received from Criminal Injuries Compensation Fund:* -$16,150.00	Defendant pushed plaintiff through a glass window. Plaintiff suffered severe lacerations to his face (7-8 cm) which caused him pain for a year and caused serious scarring. Scar tissue makes it difficult to eat and shave. Also suffered back and neck pain which forced him to give up sporting activities he loved. Personality shifted since accident – became withdrawn, shy, and cold. Caused him to abandon plans to become police officer. Embarrased about physical appearance.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Placzek Appealed by Defendant.	Green	2010 October 15 2012 January 26	[2010] O.J. No. 4382 [2012] O.J. No. 651	Ont S.C.J. Ont. C.A.	H.A. Rady J. Doherty, LaForme and Hoy JJ.A.	Female 47	$85,000		Low-speed MVA. Plaintiff suffers from chonic pain in head and neck, numbness in left arm, hand, left trunk, leg and foot. Injuries inflamed due to pre-existing condition of fibromyalgia. Judgment requests additional submissions from counsel to quantify future cost of care and loss of income. Appeal on basis that judge decision to discharge jury, and the quantification of damages, required re-assessment. Unsuccessful. Damages not amended. Costs awarded to Plaintiff.
Hoffman	Jekel	2011	2011 ONSC 1324 [2011] O.J. No. 879	S.C.J.	D.A. Wilson J.	Male Age 57	$125,000	*Out of Pocket Expenses:* $3838.43 *Loss of Income:* $154,644.00 *Future housekeeping/home maintenance:* $74,974.00 *Legal Costs:* $80,915.58	Car accident with uninsured defendant. Plaintiff suffered chronic back pain, preventing him from driving which was required by his job. He also suffered psychological damage including PTSD and memory problems.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Margeson	Moreau	2010	2010 ONSC 6371 [2010] O.J. No. 4985	S.C.J.	DiTomaso J.	Male 32 years	$125,000	*Aggravated Damages:* $25,000 *Past Lost Income:* $77,133.44 *Future lost income:* $70,000 *Future Care Expenses:* $56,100 *Subrogated OHIP claim:* $16,788.93 *Family Law Act*: $37,500 *Trial Costs*: $15,000	Plaintiff assaulted by defendants. Suffered permanent back and neck injuries resulting in chronic pain, sleeping difficulties and depression. Plaintiff now works at a diminished capacity, has a more troubled relationship with his wife, cannot do much physical activity with his son and is largely incapable of doing house maintenance that he previously did.
McDonald	Kwan	2010	2010 ONSC 5861 [2010] O.J. No. 4511	S.C.J.	Eva Frank J.	Male 36 years	$98,000 (70% of $140,000)	*Future income loss:* $579,612 *Loss of housekeeping capacity*: $66,500 *Family Law Act*: $12,000	Plaintiff's car hit by defendant's car. Plaintiff subsequently involved in two car accidents. Suffered chronic back and neck pain and extreme depression. 70% attributed to first accident. Plaintiff forced to leave work on long-term disability due to mental and physical damage.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.				A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries.
						P1: Female 70 years	P1: $45,000	*P1: Loss of Housekeeping: $3,000* *P1: Special Damages: $250*	P1: stitches to head and leg, cast then crutches, headaches, knee pain.
						P2: Male 37 years	P2: $50,000	*P2:Family Law Act Claim – Wife: $10,000*	P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain.
						P3: Female 30 years	P3: $30,000	*P3: Family Law Act Claim – Husband: $10,000*	P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety.
						P 4: Male 28 years	P4: $60,000	*P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder.
						P5: Male 33 years	P5: $20,000		P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head.
						P6: Male 30 years	P6: $25,000		P6: bruising on mid and low back.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)									Cut to head requiring stitches and later infected. Cut to left hand. Abrasions to neck and mid-back. Physiotherapy required.
						P7: Female 27 years	P7: $65,000	*P7: Loss of Future Housekeeping: $5,000* *P7: Loss of Past Wages: $320*	P7: pain and discomfort to face, above left eye, along right side, right elbow, lower back. Compression fracture. Open wound injury to right knee and some bruising. Stress and anxiety. Chiropractor required.
						P8: Male 19 years	P8: $20,000		P8: back and knee pain. Cuts on right hand, near thumb of left hand, skull and chin, resulting in scar. Difficulty sleeping and fatigue.
						P9: Female 38 years	P9: $55,000		P9: anxiety/PTSD. Bruising, back pain. Possible compression fracture.
						P10: Male. 14 years	P10: $65,000	*P10: Loss of Future Housekeeping: $5,000*	P10: cuts on head and arm. Bruising on right shoulder, resulting in rotator cuff tendinitis and muscle strain. Lower back pain. Chronic pain. PTSD. Physiotherapy required.
						P11: Female 39 years	P11: $50,000		P11: whiplash. Bruising to lower left leg, upper left arm, tailbone, and one finger. PTSD.
						P12: Female 29 years	P12: $70,000	*P12: Loss of Future Housekeeping: $25,000* *P12: Special Damages: $6,179.08*	P12: pregnant at time of accident. Ankle, neck and lower back pain leading to chronic pain. Physiotherapy required.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Malcolm	Usprech	2012 March 12	[2012] O.J. No. 1492	Ont. SCJ, Divisional Court, Toronto	Aston, Murray and Harvison Young JJ,	Male	$20,000		Plaintiff was injured in MVA. Defendants are two former counsel, from whom Plaintiff sought damages for failure to pursue claim. Here the Defendant had already been found liable forpayment of general damages at $25,000, and sought to appeal on the basis that trial judge misapprehended the evidence and erred in law in his analysis and findings with respect of causation. Unsuccessful. Damages not amended and costs awarded to Plaintiff at $9,164.30. Oral reasons referred to in judgment but not provided.
Ivens	Lesperance	2012 July 19	[2012] O.J. No. 3363	Ont. S.C.J.	G.M. Mulligan J.	Male, 41 Years Old	$100,000.00	*Future Income Loss:* $55,000.00 *Past Income Loss:* $56,000.00	Plaintiff in an accident while riding his motorcycle. Left knee fracture, right knee contusion, back injury. Some spinal and neck damage. Suffers from chronic pain, disturbed sleep, and headaches. Prior ankle injuries from a previous motorcycle accident (thin skull). Jury found plaintiff forty-five percent liable for his injuries.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Burns	Tri-City Wrestling, Jeff Marsh, Kitchener Lodge No. 1418, Loyal Order of Moose, Curtis Sturrock aka "hacker" Scotty O'Shea, Dennis Stewart aka, "dangerboy" Derek Wylde,	February 25, 2013	[2013] O.J. No. 839	SCJ (Small Claims Court)	Winny Deputy J.	Male 43 years	$6,000	*Costs:* $2,245.65	He was spectator at a wrestling match hosted by "the Lodge". He is suing Dennis Stewart who threw another wrestler ("Hacker") out of the ring and hit the plaintiff. Suffered minor neck and upper back injuries. Undefended. Claim dismissed against "the lodge" for failure to find liability. Claims against other defendants have settled.
Tennant	Fariba	March 20, 2013	[2013] O.J. No. 1260	SCJ	DiTomaso J.	Male 40 years	65,000	*Pre-judgment interest at rate of 5% per annum from March 20, 2011 to date of judgment:* $ 3,500 *Loss of future housekeeping expenses:* $ 5,143 *Loss of future medical expenses:* $20,000 *Loss of future earning capacity:* $50,000 Costs $24,754.86 all inclusive	Motor vehicle accident. Plaintiff suffered pain in right arm, right shoulder, lower back and left knee. He underwent physiotherapy and took pain medication but had ongoing pain and weakness in right arm, and hand. Lower back improved but continued to be painful. Left knee was in constant pain. He has continuing symptoms of depression that meet the threshold.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Fulcher	Conklin	April 8, 2013	[2013] O.J. No. 2668	S.C.J.	Sanderson J.	Male 44 years	$100,000	*For loss of earning capacity:* $670,000 *For loss of housekeeping + future maintenance:* $30,000 *Physiotherapy costs:* $6,910.66 *Family Law Act:* Son - $17,5000 *Per quod claim:* $43,623.75	Motor vehicle accident. Whiplash, back pain due to a compressed nerve. Required surgery which resulted in spasms and intense pain. Reduction of damages by 50% due to plaintiff's vulnerable back that would have been further herniated and required surgery.
Appeal Dismissed		October 20, 2014	[2014] O.J. No. 4888	ONCA	Strathy C.J.O., Rouleau and Hourigan JJ.A.				Appellant claimed trial judge had no basis for awarding the quantity of loss of earning capacity. Appeal dismissed.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Sica	Doe	2014 March 17	[2014] O. J. No. 1219	Ont. S.C.J.	M.A. Garson J.	Male 35	$35,000	*Subrogated OHIP:* $398 *Subrogated Criminal Injuries Compensation Board:* $4,000	Plaintiff was assaulted. Plaintiff suffered from cut under his eye, bruising to his face and eye, arm and hand. He had headaches, and pain in his neck, shoulder and lower back. He was later diagnosed with ongoing social anxiety, and post-concussion syndrome, which includes severe headaches, blurred vision, fatigue, and loss of appetite. He has a permanent scar under his left eye. Undefended trial.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Gilbert	South et al.	April 22, 2014	[2014] O.J. No. 1874	SCJ	Leach J.	Male	$40,000	*Future Care: $57,250* *Housekeeping: $85,000* *Pre-trial loss: $5,800* *Future Income: $250,000*	Motor vehicle accident. Plaintiff's insurer was responsible because vehicle in default was uninsured. Insurance company claimed that because of previous injuries causation could not be proven nor did the Plaintiff meet the threshold of s.267.5 of *Insurance Act.* Thresold and causation was met on examination of only lower back injury.
Motion after trial but before final judgement. Motion dismissed.		June 17, 2014	[2014] O.J. No. 2866	SCJ	Leach J.				Motion is brought on the basis of double recovery from jury's award of damages for "future care costs" coupled with plaintiff's entitlement to statutory benefits for medical and rehabilitation expenses. Deductions from the damage award will only be given if absolutely clear that benefits are certain to be received. There is a "strict onus of proof" and "patently clear" that preconditions for an appropriate deduction have been established. It is uncertain if plaintiff will receive benefits. Motion dismissed.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Doxtater	Farrish	2014 July 16	[2014] O.J. No. 3411	Ont. S.C.J.	J.M. Morrissette J.	Female 35	$100,000	*Loss of Competative Edge*: $50,000 *Family Law Act Claim*: *Husband* $15,000 *Family Law Act Claim: Two Children* $15,000 each	Plaintiff was in motor vehicle accident. Plaintiff suffered from bruising and injuries all over her face and body from broken glass; lesions on her legs, chest, abdomen, and neck; persistant pain in her right shoulder, right chest, neck, right knee, and lower back, memory and concentration difficulties, mild tramatic brain injury; and anxiety and major depression disorder. She has decreased desire for social or recreational activity. Plaintiff's impairments are permanent.
Malfara Action dismissed - damages assessed	Vukojevic	2015 January 08	[2015] O.J. No. 44	Ont. S.C.J.	Firestone J.	Male 24	$7,700	*Past Loss of Income:* $1,326	Motor vehicle accident Plaintiff suffered soft tissue injuries in back and neck resulting in ongoing pain.

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Miller	R	2015 January 29	[2015] OJ No. 427 Additional reasons re: costs 2015 ONSC 2554	Ont. S.C.J.	Leach J.	Male 50 years	$100,000		Plaintiff, an inmate, slipped down icy stairs. Plaintiff suffers from ongoing pain in his neck, back, shoulders, and triceps. The fall caused a tear in a tendon in his shoulder and affected the nerves in his arm. He has ongoing weakness, lack of sensation, and occasional pain in that arm. He is unable to lift weights, and has lost considerable weight, which has lowered his self-esteem. Weakness in his arm causes him to repeatedly drop items, compounding lowered self-esteem. Plaintiff has symptoms of depression and his relationship with wife is impaired. Plaintiff had pre-existing drug addiction. Damages reduced by 30% due to contributory negligence.
Ayub	Sun	2015 March 20	[2015] OJ No 1415 Additional reasons re: costs 2015 ONSC 2369	Ont. S.C.J.	Diamond J.	Male 32 years	$25,000	*Future care costs:* $5,000	Plaintiff was in motor vehicle accident. Plaintiff suffered from soft tissue injuries, chronic pain in lower back, knee and ankle. Action dismissed, damages assessed

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Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Pomeroy	Misljencevic	2016 November 4	2016 ONSC 5867	S.C.J.	R. Scott J.	Female, 44	$140,000.00	*Management fee:* $17,100.00 *Future income loss:* $372,000.00 *Past income loss*: $137, 211.00	MVA- Plaintiff's vehicle was rear-ended and forced under a truck in front of her. Plaintiff immediately suffered from myofascial chronic pain in the neck and right trapezius muscles and related cervicogenic headaches and right frozen shoulder. Plaintiff has not recovered from physical impairments and is unable to work. The overall award was increased by 0.8% to account for productivity
Valentine	Rodriguez-Elizalde	2016 June 2	[2016] O.J. No. 2945	S.C.J	Firestone J.	Female, 17	$30,000.00	*Loss of future earnings*: $50,000.00 *Past lost income:* $4,684.17.00	MVA-Plaintiff is a 17-year-old student. She suffered soft tissue injuries to her neck, back, and shoulders. Her symptoms were aggravated by activity. Standing or sitting for long periods of time and her employment made her neck pain worse. She had daily lower back pain and suffered neck pain three to four times per week. Her ability to perform housekeeping tasks and engage in recreational sporting activities was impacted.

Buttock and Thigh									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Colbourne	Ticknovich	1999	Trial decision [1997] O.J. No. 1178 (1997) 28 O.T.C. 112, affirmed: [1999] O.J. No. 1911 (1999) 121 O.A.C. 333	Ont. C.A.	Labrosse, Goudge, Finlayson JJ.A.	Male 29 years	$160,000.00	*Future Loss of Income*: $442,725.00	Massive trauma to chest, hip, thigh. Extensive abdominal injuries and ruptures. Broken pelvis. Sacroiliac joint injury. Persisting back pain 8 years after accident. Headaches and depression. Nerve damage. Best course was to re train as teacher in related field.
White	Poirier	2000 May 15	[2000] O.J. No. 1745; [2000] O.T.C. 430	S.C.J. Ottawa, Ontario	Binks J.	Male 24 years	$150,000.00		Severe, permanent injuries. Fracture of both thigh bones in hip region. Compound fracture of left kneecap. Likelihood of degenerative arthritis. Total hip replacement in future.
Keech	Chang	2009 April 20	[2009] O.J. No. 1614	S.C.J.	D.F. Baltman J	Female 60 years at trial	$85,000.00		Defendant physician negligently administered spinal epidural anaesthetic causing the PL to experience genital paresthesia, buttock numbness and bowel dysfunction.
Newfield	Staples	2013 June 6	[2013] O.J. No. 2634	S.C.J., Peterborough	Gunsolus J.	Female, 46 years	$225,000.00 (Includes $75,000 Aggravated Damages)	*Punitive Damages*: $75,000.00	Plaintiff repeatedly sexually assaulted. Severe brusing, tearing in her anus requiring stiches. Forcibly confined. Suffers from severe depression, suicidal. Unable to deal with male patients professionally, unable to speak with male strangers. Constant fear of contracting HIV. Suffered severe side-effects to anti-HIV drugs, given as a precaution.

Hip									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Colbourne	Ticknovich	1999	Trial decision [1997] O.J. No. 1178 (1997) 28 O.T.C. 112, affirmed: [1999] O.J. No. 1911 (1999) 121 O.A.C. 333	Ont. C.A.	Labrosse, Goudge, Finlayson JJ.A.	Male 29 years	$160,000.00	*Future Loss of Income*: $442,725.00	Massive trauma to chest, hip, thigh. Extensive abdominal injuries and ruptures. Broken pelvis. Sacroiliac joint injury. Persisting back pain 8 years after accident. Headaches and depression. Nerve damage. Best course was to re train as teacher in related field.
Gardiner	Thunder Bay Regional Hospital	Ont. Gen. Div.: 1999 February 24 Ont. C.A.: 2000, January 27	Ont. Gen. Div.: [1999] O. J. No. 833; (1999), 92 O.T.C. 164 Ont. C.A.: [2000] O. J. No. 141	Ont. C.A. upheld Ont. Gen. Div. Thunder Bay, Ontario	Ont. Gen. Div.: McCartney J. Ont. C.A.: Finlayson, Moldaver, Goudge JJ.A.	Female Late 50's.	$75,000.00	*Future loss of earnings*: $66,232.00 (provisionally) *Family Law Act claims*: Father - $10,500.00 *Family Law Act claims* Daughter - $7,500.00	Occupational therapist. Slip and Fall. Fracture of left hip. Did not heal. Hip replacement. Action dismissed.

Hip									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Gray	Macklin	2000 Additional Reasons (2001)	[2000] O. J. No. 4603, 7 M.V.R. (4th) 264, 4 C.C.L.T. (3d) 13 Additional Reasons: [2001] O. J. No. 664 (QL)	S.C.J. Newmarket, Ontario	Shaughnessy J.	Female 15 years	$175,000.00	*Future loss of income:* $764,693.30 *Future care expenses*: $81,203.05 *Family Law Act Claims*: Mother - $30,000.00 *Family Law Act Claims* Father - $12,000.00 *Family Law Act Claims* Brother (passenger in car) - $7,500.00	Car accident. Basal skull fracture. Hemorrhage into left temporal lobe. Affected ability to discriminate and understand speech. Fracture of left petrous and temporal bones of skull – loss of hearing. Numerous other fractures, lacerations, ligament tears. Psychological impairments. Affected ability to enjoy life and be employed.
Waterworth (Litigation Guardian of)	Freeman	2001 February 26	[2001] O.J. No. 624	Ont. C.A.	Finlayson, Carthy, Austin JJ.A.	Male 27 years	$250,000.00	*Future loss of earnings*: $647,591.00	Internal abdominal injuries. Closed head injury. Severe fracture of pelvis, left femur and hip. Nerve damage to right hand and elbow. Diminished cognitive skills. Unable to function independently. Eye glasses and speech therapy required.

Hip									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Carere	Cressman	2002 April 16	[2002] O.J. No. 1496, [2002] O.T.C. 258, (2002) 12 C.C.L.T. (3d) 217	S.C.J. Welland, Ontario	Henderson J.	Male 16 years	$225,000.00	*Future loss of earnings*: $949,000.00 *Family Law Act Claims*: Mother - $216,000.00 *Family Law Act Claims* 3 sisters - $20,000.00 $5,000.00, $10,00.00	Cerebral palsy. Doctor's negligence in performing external cephalic version on plaintiff's mother during pregnancy. Underwent many surgeries. Pain in knees, hip, ankle, low back. Bowel problems. Never live independently without supervision. Never competitively employable.
Dunn	Mississauga (City)	2003 January 10	[2002] O.J. No. 5084; (2002) 186 O.A.C. 230; (2002) 44 C.C.L.I. (3d) 211	Ont. Div. Ct. Appeal from S.C.J., Backhouse J.	Caputo, Chadwick, Howden JJ.	Female	$22,500.00		Passenger in bus. Injured when bus braked suddenly. Chronic back and left hip strain. Difficulty carrying her children and day to day living.
Barniske	Mohamed	2003 March 5 Additional Reasons: 2003, April 2	[2003] O. J. No. 810 Additional Reasons: [2003] O.J. No. 1327	S.C.J. Sault Ste. Marie	Caputo J.	Male 33 years	$55,000.00		Concussion and soft tissue injuries when bicycle struck by vehicle. Swollen face, neck & back pain, abrasions, hip contusion, and stiffness. Rotator cuff tendonitis and overlap problem with cervical spine mechanical pain. Physiotherapy didn't help. Let go from printing business. 9 yrs post-accident suffered stiffness and irritation to shoulder & neck. Limited work & recreation.
Chuhay	Toronto	2003 May 13	[2003] O.J. No. 4552	S.C.J. Toronto, Ontario	Cohen D.J.	Female	$10,000.00		Slip and fall, injured knee, hip, and back, injured unresolved 18 months after accident.

Hip									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Atack	Castle	2003 May 15	[2003] O. J. No. 1943	S.C.J. Ottawa, Ontario	Power J.	Male	$50,000.00 (provisionally)	*Future loss of earnings*: $90,000.00 (provisionally)	Plaintiff is a neurologist by profession. Orthopaedic surgeon performed hip replacement surgery. Pl. alleged inadequate post-operative care. Action dismissed. Pl. under duty to advis defendant of any problems post-operation.
Desbiens	Mordini	2004 November 18	[2004] O.J. No. 4735	S.C.J.	Spiegel J.	Male 56 years	$165,000.00	*Family Law Act:* Wife- $40,000.00 *Future care costs:* $919,400.00	Motor Vehicle/Wheelchair collision -- fractured femur, leg & hip swelling, loss of consciousness, surgery, pressure sore, dizziness, poor memory, sleep disturbance, headaches, back, neck, elbow & knee pain, problems with attention & concentration, emotional distress, severe depression, severe anxiety, chronic back pain; 40% impairment of whole person.
Nusinowitz	Ontario (Superintendent of Financial Services)	2005 March 28	[2005] O.J. No. 2069	S.C.J.	T.L. Archibald J.	Male 86 years	$55,000.00	*Family Law Act Claim*: Wife- $20,000.00	PL was startled by DF's rapidly approaching car and fell. Fracture of right hip. Partial hip replacement. Unable to walk independently. Loss of independence and "joyous lifestyle" Chronic pain & depression.
Inthavong	Haughton	2005 April 22	[2005] O.J. No. 6096	S.C.J., Toronto	J.B. McMahon J.	Female 80	$35,000	*Costs* $28,000	Broken hip resulting from MVA. Damages agreed to.

Hip									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Winters	Loblaws Supermarkets Ltd.	2005 June 14	[2005] O.J. No. 3406	S.C.J.	J.F. McCartney J.	Female	$40,000.00		Liability not established. Damages calculated but not awarded. Slip & fall on allegedly unsafe premises. PL injured back, hip, elbow and neck. All symptoms disappeared within a week except for neck pain. Aggravation of pre-existing neck condition. Difficulty turning neck to left. Leisure activities affected. Constant neck pain.
Gorman	Falardeau	2005 June 30	[2005] O.J. No. 2213	Ont. C.A. North Bay, Ontario	Laskin, Cronk, Gillese JJ.A.	Male 52 years	$120,000.00	*Future loss of income*: $299,940.00 *Past Loss of Income*: $180,000.00 *Future Care*: 35,000.00	3 accidents. Disabling chronic pain. He sustained a soft tissue injury to his neck ("the 1995 accident"). The 1995 accident aggravated the injuries that he had suffered in the 1989 accident. After the 1995 accident, Mr. Gorman was in constant pain and, consequently, he developed emotional problems. After the 1997 accident, his lower back pain, including pain in his left hip, worsened.
Stroud	Nicholson	2005 August 31	[2005] O.J. No. 3671	S.C.J.	D.R. McDermid J.	Female 54 years	$125,000 (provisionally)		MVA -- cervical sprain, skull fracture, closed head injury, bump on head, headaches, nausea, dizziness, intermittent double vision, bruising on shoulder, chest & hip, pain in arm, hand & leg, memory impairments, incoordination & weakness, numbness in 2 fingers, sore ribs, sleep disturbance, fatigue.

Hip									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Kamin	Kawartha Dairy Ltd.	2006 February 8	Trial decision [2004] O.J. No. 1056, [2004] O.T.C. 242, reversed: 79 O.R. (3d) 284; [2006] O.J. No. 435	Ont. C.A.	Borins, Simmons and Armstrong JJ.A..	Female 69 years	$87,500	*Special damages:* $7,114.25	Plaintiff was injured as result of fall in poorly-maintained parking lot. TJ dismissed original action because Plaintiff could not specify exact location of fall. ONCA reversed, finding an exact location unnecessary. Damages agreed upon by parties.
Johnson Appeal allowed re apportionment of liability	Milton (Town)	2006 July 28 2008 June 4	[2006] O.J. No. 3232 [2008] O.J. No. 2157	S.C.J. Ont. C.A. Toronto ON	G.E. Taylor M.J. Moldaver, E.A. Cronk and R.A. Blair JJ.A.	Female	$85,000	*Future Care for Wife:* $65,376(US)	Husband and wife riding on tandem bicycle; lost control of bicycle and Town found liable for accident; husband died as a result of his injuries; wife suffered fractured pelvis and pain continues See fatal injuries for damage awards for death of husband.
Goody	Costco Wholesale Corp.	2009 July 17	[2009] O.J. No. 3025	S.C.J.	E.R. Kruzick J.	Female 53 years	$50,000. 00	*Past Income Loss:* $50,736. 00 *Future Income Loss:* $67,500. 00 *Family Law Act Loss of Care, Guidance and Companionship:* Husband – $7, 500. 00	Trip and fall accident. PL injured both her knees, hip and back. Incident contributed to plaintiff's chondromalacia. 25% damage reduction for pre-existing medical condition (prior knee and back problems). Damages for future income loss reduced by 10% due to uncertainty as to whether plaintiff would work until 65 years of age.

Hip									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lawson	Costco Wholesale Canada Ltd.	2010 April 12	[2010] O.J. No. 1457	S.C.J.	J.F. McGarry J.	Female 69 years at trial	$30,000. 00	*Special Damages:* $8,000.00 *Cost of Future Care:* $10,000.00	Slip and fall accident causing severe pain in PL's left leg, hip and shoulder. As a result of her injuries, PL requires a left knee brace to assist in standing and walking as well as on-going massage therapy to prevent her shoulder from freezing. PL also became depressed over her lack of recovery from injuries sustained in accident. Pre-existing medical condition prior to accident included suffering from neck problems, migraine headaches and lower back pain.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Murphy	Langlois	1999 January 5	[1999] O. J. No. 162	S.C.J. Owen Sound, Ontario.	Thompson J.	Female	$55,000.00	*Family Law Act claim*: Husband - $8,000.00	Physician's care fell below standard. Surgery to remove ovaries. Headaches, hot flashes, leg twitching, difficulties sleeping. Right ureter blocked. Kidney had to be removed.
Peel	West Wawanosh Mutual Insurance Co.	S.C.J.: 1999 January 7 Ont. C.A.: 1999 December 1	S.C.J.: [1999] O. J. No. 787; 40 M.V.R. (3d) 287 Ont. C.A.: [199] O. J. No. 4663	Ont. C.A. varying in part re FLA claims S.C.J. Kitchener, Ontario	S.C.J.: Sills J. Ont. C.A.: Catzman, Borins, Sharpe JJ.A.	Female 25 years	$75,000.00	*Family Law Act claims: children*- $20,000.00 each Death of father: $35,000.00/ child Injury to mother: $10,000.00/ child	Laceration of bowel and liver. Fractures to pelvic area and left humerus. Discomfort to lower extremities, abdomen, left upper extremity. Left shoulder injury persisted 1 year after accident. Significant abdominal scarring. Pain & discomfort expected to persist. Husband died in same accident.
Jaskiewicz	Humber River Regional Hospital	2001 January 3	[2001] O. J. No. 6; (2001), 4 C.C.L.T. 98; [2001] O.T.C. 5 Additional reasons re re-opening case: [2000] O. J. No. 4178; [2000] O.T.C. 778	S.C.J. Toronto, Ontario	Wilkins J.	Female 44 years	$50,000.00 (provisionally)	Sons - $2,000.00 & $1,000.00 (provisionally)	Obstetrician consulted re contraception options. No information provided on potential risks of tubal ligation. Surgery caused bowel perforation and severe abdominal pains. Off work for several weeks. Action dismissed – patient would have undergone surgery regardless of information.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Carere	Cressman	2002 April 16	[2002] O.J. No. 1496, [2002] O.T.C. 258, (2002) 12 C.C.L.T. (3d) 217	S.C.J. Welland, Ontario	Henderson J.	Male 16 years	$225,000.00	*Future loss of earnings*: $949,000.00 *Family Law Act Claims*: Mother - $216,000.00 *Family Law Act Claims* 3 sisters - $20,000.00 $5,000.00, $10,00.00	Cerebral palsy. Doctor's negligence in performing external cephalic version on plaintiff's mother during pregnancy. Underwent many surgeries. Pain in knees, hip, ankle, low back. Bowel problems. Never live independently without supervision. Never competitively employable.
Matuzich	Lieberman	2002 June 12	[2002] O. J. No. 2811; [2002] O.T.C. 510	S.C.J. Windsor, Ontario	Ferrier J.	Female 21 years	$65,000.00	*Family Law Act claims*: Father & Mother - $3,500.00 each *Family Law Act claims*: Sister - $2,000.00	Surgery for anterior laparoscopic spinal surgery to treat longstanding degenerative disc disease. Major blood vessel cut and bowel ruptured. Complications repaired with lacerations. Spinal surgery never completed. Suffered from small bowel and distended gall bladder. Resumed studies after few months and had surgery. Scar on abdomen.
Seguin	Vandinther	2002 September 9	[2002] O. J. No. 3719; (2002), 44 C.C.L.I. (3d) 280; [2002] O.T.C. 717	S.C.J. London, Ontario	Ross J.	Female Male	$20,000.00 $35,000.00		Female suffered cracked ribs, minor renal contusion, whiplash associated disorder. Returned to work but req'd back rest and foot support. Couldn't hold child for more than 10 mins. Male suffered from bruised kidney, severe whiplash, soft tissue damage, swollen elbows. Returned to more sedentary work. Gave up athletics except golf.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Beardon	Lee	2003	2003 CarswellOnt 1178 [2003] O.J. No. 1261	S.C.J.	Sanderson	Male 59 years	$80,000.00	*Family Law Act Claim*: Spouse: $17,500.00	Missed diagnosis of appendicitis and peritonitis and after effects including severe untreated pain over several days leading up to the rupture of appendix ; the trauma of life-threatening peritonitis and an emergency appendectomy; the painful and debilitating after-effects of all the related surgeries and convalescences; the uncertainty between as to whether a satisfactory fusion of his incision would ever be achieved: and the frustration and anxiety resulting from the adverse effects of all of the above on his career and personal relationships; scarring materially contributed to clinical depression from which he continues to suffer.
Knight	Sloan	2003	[2003] OJ No. 3453	S.C.J.	Granger	Female	$75,000.00	*Family Law Act* Husband- $15,000.00 *Family Law Act* Children- $10,000.00 *Family Law Act* Grandmother- $2,500.00	Ureter kinked when improperly sutured after delivery of 2nd child; result in permanent frequent urination.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Padfield	Martin	2001 January 18 2003 May 27	[2001] O.J. No. 5938 [2003] O.J. No. 2794	S.C.J. Hunstville, Ontario O.C.A. Huntsville, Ontario	Donohue J. O'Connor A.C.J.O., Laskin, Borins JJ.A.	Male 17 years	$263,079.00 $150,000.00		Fracture of L12 vertebra, perforated bowel, two operations, 15 days in hospital, volleyball playing diminished, no longer able to obtain athletic scholarship.
Hartjes	Carmen	2003 September 2	[2003] O.J. No. 3344	S.C.J.	Gans J.	Female 33 years	$15,800.00		Surgery left plaintiff with misshapen and asymmetrical breasts and significantly distorted areolae. Plaintiff had corrective surgery three years later.
Smyth	Waterfall	2003 October 9	[2003] O.J. No. 4541	S.C.J. Hamilton, Ontario	Cavarzan J.	Female 83 years	$30,000.00 (provisionally)		Tear in oesophagus by tube insertion, gastric fluids leaked into chest cavity and lung collapsed. In hospital for 29 days, thrombosis developed in leg.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Aristorenas	Comcare Health Services	2004	2004 CarswellOnt 3599	S.C.J.	Lederman	Female	*At trial:* $55,000.00		Medical Malpractice - Plaintiff faced death as a result of her encounter with necrotizing fasciitis; repeated surgical debridements which resulted in the removal of significant necrotic tissue from her abdomen; Considerable pain; severe anxiety in terms of fear for her own life and the future of her children; undergo significant skin and muscle grafts from her leg to her abdomen; large permanent scar on her abdomen and leg; deprived of effective loss of her mother's leave for post-natal bonding with her infant. On appeal - Court set aside the finding that the necrotizing fasciitis suffered by the plaintiff was caused by the defendants' negligence. - Damages reduced to $1,000.00 for pain and suffering.
Appeal allowed		2006 October 11	[2006] O.J. No. 4039	Ont. C.A. Toronto	M. Rosenberg, J.C. MacPherson and P.S. Rouleau JJ.A.		*On appeal - reduced to*: $1,000.00		

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Wilson	Byrne	2004 June 4	[2004] O.J. No. 2360	S.C.J.	Himel J.	Female 57 years	$75,000.00	Loss of Income: $60,000.00 Loss of care Cost: $79,000.00 *Family Law Act*: Husband- $40,000.00 *Family Law Act* Daughters - $20,000.00 each *Family Law Act* Grandchildren- $3,000.00 Out-of-pocket expenses $20,000.00 for husband and $9,144.75 daughters	Severe abdominal pain following surgery. Significant bile leak in abdomen. Patient suffered multiple strokes and physical and cognitive impairment following surgical repair of bile duct.
Latta	Ontario	2004 September 14	[2004] O.J. No. 3751	S.C.J. London, Ontario	Kennedy J.	Male 35 years	$120,000.00	*Past income loss*: $5,000.00 *Future Income Loss*: $225,000.00 *Travel Expense*: $5,236.32 *Future Care Cost*: 37,500.00$	Suffered a ruptured disc described as a huge central and right sided disc herniation occupying the majority of the spinal canal at L3-4 level with compression of the subarachnoid sac at the L-5 level. Damage to the nerve controlling the bladder and the bowel. Suffers from chronic pain of a relatively severe nature

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Digiorgio	Smardenka	2004 October 5	[2004] O.J. No. 4147	S.C.J. Toronto, Ontario	Keenan J.	Male 50 years	$50,000.00	*Special Damage:* $4,693.19	Headaches and chest pain probably related to the fractured ribs. He also had problems in breathing which are related to fractured ribs caused by kicks in the chest area. Clearly suffered a post-traumatic stress disorder, which remains unresolved
Georghiades	MacLeod	2005 March 31	[2005] O.J. No. 1701	S.C.J.	D.J. Gordon J.	Male 32 years	$60,000.00	*Past loss of income*: $8,325.00 *Family Law Act claims*: Parents- $4,500.00 each *Family Law Act claims Brothers*- $3,000.00 and $2,065.00	Misdiagnosis, appendix rupture, led to more complicated surgery; plaintiff has pre-existing kidney disease; say generals in *Beardon* based more severe emotional problems and no pre-existing illness.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Mustapha	Culligan of Canada Ltd.	2005 April 7	[2005] O.J. No. 1469	S.C.J.	J.H. Brockenshire J.	Male 41 years	$80, 000. 00	*Special Damages:* $24, 174.58 *Past Economic Losses:* $122, 400. 00 *Future Economic Losses:* $115, 200. 00 *Costs:* $101, 541.26	PL observed dead fly & part of another one in sealed bottle of drinking water -- nausea, vomiting, abdominal pain, nightmares, loss of sleep, constipation, personality changes in form of loss of sense of humour, argumentativeness & edginess, mood changes, loss of libido, major depressive disorder, inability to drink water, anxiety, phobias, obsessive thoughts. Trial judge's decision set-aside on appeal and in its place judgment was granted dismissing the plaintiff's cause of action.
		2006 April 30	[2006] O.J. No. 1574	S.C.J.	J.H. Brockenshire J.				
Appeal allowed. Judgment below in favour of the plaintiff was set aside.		2006 December 15	[2006] O.J. No. 4964	Ont. C.A. Toronto, Ontario	E.A. Cronk, R.A. Blair JJ.A. and E.F. Then J. (ad hoc)				
Appeal and Cross-appeal dismissed.		2008 May 22	[2008] O.J. No. 27	S.C.C.	McLachlin C.J. and Bastarache, Binnie, LeBel, Deschamps, Fish, Abella, Charron and Rothstein JJ.				

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Adair Litigation Adminis-trator of	Hamilton Health Services Corp.	2005 April 25	[2005] O.J. No. 2180	S.C.J.	C.R. Harris J.	Female 66 years	$50,000.00	*Family Law Act claims*: Husband- $30,000.00 *Family Law Act claims:* Children- $20,000.00 *Family Law Act claims: Two Grandchildren* $10,000.00 each *Two Grandchildren:* $5,000 each	Medical malpractice. Delayed & sub-standard diagnosis of bowel obstruction causing malnutrition, surgery, pneumonia infection, candidemia infection causing death, "utterly frightening" abdominal pain. Awareness of prospect of death
Kennedy	Jackiewicz	2003 May 13 2004 November 25 2005 April 28	[2003] O.J. No. 1854 [2004] O.J. No. 4816 [2005] S.C.C.A. No. 27	S.C.J. Ontario Ont.C.A S.C.C.	Gravely J. Feldman, Charron, Laskin JJ.A. Abella J., Fish J., Major J.	Female 35 years	$125,000.00	*Family Law Act* Husband- $35,000.00 *Family Law Act* Son 1-$10,000.00 *Family Law Act* Son 2-$5,000.00 *Family Law Act* Son 3- $5,000.00	During surgery to remove ovaries, doctor damaged colon, damages went undetected, increasing pain and nausea, hole in colon, leakage caused sticky, scar-like lesions in abdominal cavity, internal organs stuck together, numerous secondary complications, almost constant pelvic pain, lower back pain, bladder spasm, bladder pain.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Monks	ING Insurance Co. of Canada	2005 June 15	[2005] O.J. No. 2526	S.C.J.	Lalonde J.	Female 48 years	$189,074.64	*Aggravated damages* $50, 000.00 *Home expense:* $225,000.00	Developed spastic quadriparesis, chronic pain in her neck and shoulders, extreme fatigue, gait ataxia, gastrointestinal dysfunction, neurogenic bladder and bowel, decreased concentration and memory, sleep apnea/narcolepsy and depression.
Barker	Montfort Hospital	2006 January 10	[2006] O.J. No. 39	S.C.J.	M.Z. Charbonneau J.	Female	$50,000.00	*Past loss of income:* $6,024.64 *Future loss of income:* $18,227 *Past cost of care:* $5,493.98 *Future cost of care:* $50,000.00 *Family law act claim:* Husband – $10,000.00	Medical negligence resulted in pain and suffering of P's surgeries, the loss of a significant portion of her small bowel, the long period of recuperation, and the resulting small bowel syndrome.
Appeal allowed. Action dismissed.		2007 April 18	[2007] O.J. No. 1417	Ont. C.A. Toronto, ON	K.M. Weiler (dissenting), R.A. Blair and P.S. Rouleau JJ.A.				TJ erred in finding causation. No evidence that the negligent delay in operating caused the loss of any additional bowel.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Johnson Appeal allowed re apportionment of liability	Milton (Town)	2006 July 28 2008 June 4	[2006] O.J. No. 3232 [2008] O.J. No. 2157	S.C.J. Ont. C.A. Toronto ON	G.E. Taylor M.J. Moldaver, E.A. Cronk and R.A. Blair JJ.A.	Female	$85,000	*Future Care for wife* $65,376(US)	Husband and wife riding on tandem bicycle; lost control of bicycle and Town found liable for accident; husband died as a result of his injuries; wife suffered fractured pelvis and pain continues See fatal injuries for damage awards for death of husband.
Tait	Greater Niagara General Hospital	2006 November 7	[2006] O.J. No. 4479	S.C.J.	L.M. Walters J.	Male 44 years at trial. Approximately 38 at time of incident.	$200,000.	*Family Law Act claims:* Daughter - $25,000.00 Wife - $50,000.00 *Future loss of income:* $5,000.00 per year until age 55 - Present value amount agreed upon by parties	The plaintiff suffered a needle stick injury to his conus during the spinal anaesthesia performed by the defendant. The defendant failed to cease the injection when the plaintiff experienced pain. As a result the plaintiff suffered urinary incontinence, fecal incontinence, impotency, and sensory loss in his groin area. The injuries are ongoing and have resulted in humiliation to the plaintiff. He is forced to wear diapers, accidents are frequent and embarrassing. He has also suffered the loss of an intimate relationship with his wife. Prior poor health. The plaintiff had long term uncontrolled diabetes, he was morbidly obese, suffered from hypertension, sleep apnea, a heart irregularity and a blood disorder.
Gordon	Greig	2007 January 23	[2007] O.J. No. 225	Ont. S.C.J.	B.A. Glass J	Male 22 years (Both PLs)	PL 1 - G: $310,000.00 PL 2 - M: $310,000.00	**PL 1 - G:** *Future care*: $8,646,900.00 *Past wage loss:* $15,100.00	Motor vehicle accident: PL 1—G: Severe and catastrophic brain injury and upper spinal injury. Bladder and bowel control, sense of smell, sense of taste, sense of hunger, and sense of temperature

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Future wage loss: $1,871,600.00 *Management fees:* $525,925.00 *Family Law Act:* Mother - $75,000.00 *Family Law Act:* Father - $75,000.00 **PL 2 - M:** *Special Damages:* $74,713.78 *Past wage loss:* $55,400.00 *Future wage loss:* $2,298,320.00 *Management fees:* $447,164.00 *Future Care:* $8,880,000.00 *Housing Costs:* $374,800.00 *Family Law Act:* Mother - $75,000.00 *Family Law Act:* Father - $60,000.00	have been affected by the injuries. Placed in a halo because of upper spine and neck injuries. Requires prescribed medication in order to engage in sexual intercourse. Extreme difficulties with social, family and romantic relationships. Memory impacted significantly. Does not enjoy a normal life. PL 2 – M: Paraplegic. Rods inserted to brace his spine. Loss of bladder and bowel control. Underwent stem cell surgery in Portugal. Has made some progress in an intensive rehabilitation program. PL gradually advanced from having no ability to control his lower body, to being able to pull himself up to crawl. Highly unlikely will work at an income-generating career. Changes to the physical layout of the residence of Karen and Peter Morrison were undertaken to make the home more user friendly for Ryan.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Family Law Act: Sister – $30,000.00	
Smith Appeal Dismissed	Liwanpo	2007 April 23 2008 July 10	[2007] O.J. No. 1542 [2008] O.J. No. 2714	Ont. S.C.J. Ont. C.A. Toronto ON	J.N. Morissette J. W.K. Winkler C.J.O., K.N. Feldman J.A. and J.L. Lax J. (ad hoc)	Male 61 years	$100,000.00	*Loss of past income:* $80,000.00 *Loss of future income*: $55,000.00 *Family law act claim:* Wife – $25,000.00 *OHIP Subrogated Claim* $67,700.00 *Personal Expenses (wife)* $7,270.00	Malpractice action. P lost almost entire colon and a large part of small bowel. No longer able to work as shunter and be active as farmer, horseman or cattle penner. Loss of enjoyment to live due to frequency and urgency of bowel movements. Depression and fatigue impact lifestyle and employability.
MacKinnon	Grand River Hospital	2007 June 25 2009 March 27	[2007] O.J. No. 2504 Appeal dismissed: [2009] O.J. No. 1255	Ont. S.C.J. Ont. C.A.	C.A. Tucker J.	Female 48 years	$175,000.00	*Family Law Act claim*: 3 Children – $37,500.00 ($12,500.00 each) *Pecuniary Damages, past and future:* $400,000.00	Medical malpractice. Permanent, debilitating injuries including vascular and nerve damage. Cannot move her left arm or hand. In constant pain. Isolated life, having withdrawn from her family and children. Not expected to ever be able to work again.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hill No liability - damages calculated but not awarded. Appeal dismissed.	Victoria Hospital Corp.	2007 July 16 2009 January 27	[2007] O.J. No. 2767 [2009] O.J. No. 300	S.C.J. Ont. C.A. Toronto	W.A. Jenkins J. D.R. O'Connor A.C.J.O., E.A. Cronk and E.E. Gillese JJ.A.	Female 54 at trial.	$125,000 No liability - damages calculated but not awarded.	*Special damages:* $11,022.35 *Past loss of income:* $225,000.00 *Future loss of income:* $235,000.00 *Cost of future care:* $100,000.00 *Family Law Act claims:* Husband - $25,000.00 Daughter - $25,000.00 Son 1 - $10,000.00 Son 2 - $10,000.00	Medical malpractice - Following surgery performed by the defendant, the plaintiff developed osteitis pubis, chronic pelvic pain, coccygeal pain, weakness in her legs, bladder dysfunction and more frequent seizures. As a result, she underwent Herschorn-Tile surgeries to remove the mesh inserted by the defendant and to resect her symphasis pubis. Pre-existing conditions - The plaintiff had undergone three cesarean sections, three laparoscopies, a hysterectomy, removal of a cyst from her left ovary, removal of a cyst from her bowel, removal of her right ovary, and removal of her gall bladder. In addition, she suffered from irritable bowel syndrome and epileptic seizures. Action dismissed. Appeal dismissed.
Keech	Chang	2009 April 20	[2009] O.J. No. 1614	S.C.J.	D.F. Baltman J.	Female 60 years at trial	$85,000.00		Defendant physician negligently administered spinal epidural anaesthetic causing the PL to experience genital paresthesia, buttock numbness and bowel dysfunction.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lawrence Estate Appeal dismissed. Trial judgment upheld.	Alexander	2008 March 4 2009 December 8	[2008] O.J. No. 820 [2009] O.J. No. 5238	S.C.J. Ont. C.A. Toronto, Ontario	A.C.R. Whitten J. K.N. Feldman, R.P. Armstrong and G.J. Epstein JJ.A.	Female	$10,000.00	*Special Expenses:* $10,000.00 *Family Law Act (Loss of care, guidance and companionship):* $70,000.00 *Dependency Claim and Household Assistance Claim:* $160,000.00	No liability – damages calculated but not awarded. Alleged medical malpractice on the part of the defendant doctor who performed a gall bladder operation on the deceased who later developed jaundice, necrotizing pancreatitis, and septic shock resulting in his death.
Moss	Zaw	2009 March 10	[2009] O.J. No. 1317	S.C.J.	K.D. Coats J.	Male 57 years at trial	$25,000.00		No liability – damages calculated but not awarded. Alleged medical negligence on the part of the defendant doctor regarding bowel and colon surgery. PL unsuccessfully claimed that the bowel surgery was unnecessary and performed without his informed consent. PL left with an approximately eight inch abdominal surgical scar.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McIntyre Appeal dismissed. Trial judgment upheld.	Docherty	2009 May 29	[2009] O.J. No. 2185	Ont. C.A. Toronto, Ontario	S.E. Lang, P.S. Rouleau and D. Watt JJ.A.	Female	$92,500.00	*Past Loss of Earnings:* $69,611.00 *Future Lost Earning Capacity:* $347,600.00 *Past Housekeeping Inefficiency Damages:* $5,000.00 *Past Lost Housekeeping Capacity:* $10,400.00 *Future Lost Housekeeping Capacity:* $44,535.00	MVA. As a result of her injuries, PL suffers from chronic pain, fibromyalgia, depression, anxiety, as well as a diminished capacity to perform housekeeping functions.
Lawson	Costco Wholesale Canada Ltd.	2010 April 12	[2010] O.J. No. 1457	S.C.J.	J.F. McGarry J.	Female 69 years at trial	$30,000.00	*Special Damages:* $8,000.00 *Cost of Future Care:* $10,000.00	Slip and fall accident causing severe pain in PL's left leg, hip and shoulder. As a result of her injuries, PL requires a left knee brace to assist in standing and walking as well as on-going massage therapy to prevent her shoulder from freezing. PL also became depressed over her lack of recovery from injuries sustained in accident. Pre-existing medical condition prior to accident included suffering from neck problems, migraine headaches and lower back pain.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Marchand	Jackiewicz	2010 March 25	[2010] O.J. No. 1195	S.C.J. St. Catharines, Ontario	L.M. Walters J.	Female	$150,000	*Loss of Past Earnings:* $300,000 *Loss of Future Earning:* $100,000 *Family Law Act:* Husband - $30,000 Son - $15,000	No liability – damages calculated but not awarded. Alleged failure to assess potential infection prior to surgery resulting in significant and disfiguring scarring. Subsequent infection, multiple organ failure, toxic shock, heart attack, heart failure, renal failure, 30 days in coma, difficulty eating, weight loss, exacerbation of pre-existing conditions and chronic pain.
Bollman	Soenen	December 13, 2012	[2012] O.J. No. 5937	Ont. S.C.J. Simcoe	J.A. Ramsay J.	Female 53 Years old	$100,000.00	*Loss of Past Income:* $45,000.00 *Loss of Future Income:* $140,000.00 *OHIP Subrogated Claim:* $63,065.72	Negligent Hysterectomy. Plaintiff was treated by defendant surgeon for menorrhagia, where hysterectomy damaged plaintiff's uterer. Severe pain, kidney infection leading to cyst and hernia in flank. Required long term cathader. Ongoing pain. Reparitive surgeries required. Loss of stamina, navel removed in operation. Unable to resume full-time work
Appeal allowed. New trial ordered.		January 17, 2014	[2014] O.J. No. 252	ONCA	Juriansz, Hourigan and Benotto JJ.A.			*Costs:* Appellant $20,000	New trial ordered. The trial judge erred in law. Firstly, in his analyses of informed consent. Secondly, he failed to address causation when deciding appellant's liability for negligence with respect to delayed diagnosis.

Internal Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Tiglao	Sleightholm	2012 July 6	[2012] O.J. No. 3151	Ont. S.C.J.	L. Snowie J.	Female 46 years old	$70,000.00 *($65,000.00 To Plaintiff, $5,000.00 to plaintiff's husband)*	*Reconstructive Surgery:* $11,000.00 *Loss of Past Income:* $4,800.00 *Loss of Future Income:* $4,800.00	Breast augmentation and tummy tuck surgeries. Unsatisfactory results led to misshapen breasts, scarring across waistline. Lack of sensation in breasts created marital distress. Overly large implants caused pain and discomfort. Plaintiff did not provide informed consent, as she did not speak English; plastic surgeon only discussed risks of scarring and infection in English, in one 15-minute consultation with plaintiff and her husband.

Reproductive Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Murphy	Langlois	1999 January 5	[1999] O. J. No. 162	S.C.J. Owen Sound, Ontario.	Thompson J.	Female	$55,000.00	*Family Law Act claim*: Husband - $8,000.00	Physician's care fell below standard. Surgery to remove ovaries. Headaches, hot flashes, leg twitching, difficulties sleeping. Right ureter blocked. Kidney had to be removed.
Keane	Craig	2000 June 6 Additional Reasons: 2001, July 3	[2000] O. J. No. 2160; [2000] O.T.C. 418 Additional Reasons: [201] O. J. No. 2779	S.C.J. Ottawa, Ontario	Chilcott J.	Female	$120,000.00		Small bump on vulva which gave some discomfort and minor pain. Bartholin's cyst. Cyst and gland excised rather than drained. Severe post-operation prain. 2nd operation to reattach right labium but instead cut it off. Psychological shock in losing labium. Feeling of mutilation. Chronic dyspareunia, chronic vulvar discomfort with burning and superficial irritation and orgasmic pain.
Stopyn	Loopstra	2001 November 7	[2001] O. J. No. 4628; [2001] O.T.C. 874	S.C.J. Hamilton, Ontario	Borkovich J.	Female	$40,000.00 (provisionally)	*Family Law Act claim*: Husband - $10,000.00	Alleged that consent to laparotomy un-informed. Failure to advice potential risk of infertility. Action dismissed.
Bowlby	Oosterhuis	2003	63 OR (3d) 748 [2003] OJ No. 1130	S.C.J.	Aston	Female	$75,000.00	*Family Law Act claim*: Husband $10,000.00	failure to conceive a child as a result of doctor forgetting to remove old IUD

Reproductive Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Kennedy	Jackiewicz	2003 May 13 2004 November 25 2005 April 28	[2003] O.J. No. 1854 [2004] O.J. No. 4816 [2005] S.C.C.A. No. 27	S.C.J. Ontario Ont.C.A S.C.C.	Gravely J. Feldman, Charron, Laskin JJ.A. Abella J., Fish J., Major J.	Female 35 years	$125,000.00	*Family Law Act* Husband- $35,000.00 *Family Law Act* Son 1-$10,000.00 *Family Law Act* Son 2-$5,000.00 *Family Law Act* Son 3- $5,000.00	During surgery to remove ovaries, doctor damaged colon, damages went undetected, increasing pain and nausea, hole in colon, leakage caused sticky, scar-like lesions in abdominal cavity, internal organs stuck together, numerous secondary complications, almost constant pelvic pain, lower back pain, bladder spasm, bladder pain.
Tait	Greater Niagara General Hospital	2006 November 7	[2006] O.J. No. 4479	S.C.J.	L.M. Walters J.	Male 44 years at trial. Approximately 38 at time of incident.	$200,000.	*Family Law Act claims:* Daughter - $25,000.00 Wife - $50,000.00 *Future loss of income:* $5,000.00 per year until age 55 - Present value amount agreed upon by parties	The plaintiff suffered a needle stick injury to his conus during the spinal anaesthesia performed by the defendant. The defendant failed to cease the injection when the plaintiff experienced pain. As a result the plaintiff suffered urinary incontinence, fecal incontinence, impotency, and sensory loss in his groin area. The injuries are ongoing and have resulted in humiliation to the plaintiff. He is forced to wear diapers, accidents are frequent and embarrassing. He has also suffered the loss of an intimate relationship with his wife. Prior poor health. The plaintiff had long term uncontrolled diabetes, he was morbidly obese, suffered from hypertension, sleep apnea, a heart irregularity and a blood disorder.

Reproductive Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Gordon	Greig	2007 January 23	[2007] O.J. No. 225	Ont. S.C.J.	B.A. Glass J	Male 22 years (Both PLs)	PL 1 - G: $310,000.00 PL 2 - M: $310,000.00	**PL 1 - G:** *Future care*: $8,646,900.00 *Past wage loss:* $15,100.00 *Future wage loss:* $1,871,600.00 *Management fees:* $525,925.00 *Family Law Act:* Mother - $75,000.00 *Family Law Act:* Father - $75,000.00 **PL 2 - M:** *Special Damages:* $74,713.78 *Past wage loss:* $55,400.00 *Future wage loss:* $2,298,320.00 *Management fees:* $447,164.00 *Future Care:* $8,880,000.00 *Housing Costs:* $374,800.00	Motor vehicle accident: PL 1—G: Severe and catastrophic brain injury and upper spinal injury. Bladder and bowel control, sense of smell, sense of taste, sense of hunger, and sense of temperature have been affected by the injuries. Placed in a halo because of upper spine and neck injuries. Requires prescribed medication in order to engage in sexual intercourse. Extreme difficulties with social, family and romantic relationships. Memory impacted significantly. Does not enjoy a normal life. PL 2 – M: Paraplegic. Rods inserted to brace his spine. Loss of bladder and bowel control. Underwent stem cell surgery in Portugal. Has made some progress in an intensive rehabilitation program. PL gradually advanced from having no ability to control his lower body, to being able to pull himself up to crawl. Highly unlikely will work at an income-generating career. Changes to the physical layout of the residence of Karen and Peter Morrison were undertaken to make the home more user friendly for Ryan.

Reproductive Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Family Law Act: Mother - $75,000.00 *Family Law Act:* Father - $60,000.00 *Family Law Act:* Sister – $30,000.00	
Hill No liability - damages calculated but not awarded. Appeal dismissed.	Victoria Hospital Corp.	2007 July 16 2009 January 27	[2007] O.J. No. 2767 [2009] O.J. No. 300	S.C.J. Ont. C.A. Toronto	W.A. Jenkins J. D.R. O'Connor A.C.J.O., E.A. Cronk and E.E. Gillese JJ.A.	Female 54 at trial.	$125,000 No liability - damages calculated but not awarded.	*Special damages:* $11,022.35 *Past loss of income:* $225,000.00 *Future loss of income:* $235,000.00 *Cost of future care:* $100,000.00 *Family Law Act claims:* Husband - $25,000.00 Daughter - $25,000.00 Son 1 - $10,000.00 Son 2 - $10,000.00	Medical malpractice - Following surgery performed by the defendant, the plaintiff developed osteitis pubis, chronic pelvic pain, coccygeal pain, weakness in her legs, bladder dysfunction and more frequent seizures. As a result, she underwent Herschorn-Tile surgeries to remove the mesh inserted by the defendant and to resect her symphasis pubis. Pre-existing conditions - The plaintiff had undergone three cesarean sections, three laparoscopies, a hysterectomy, removal of a cyst from her left ovary, removal of a cyst from her bowel, removal of her right ovary, and removal of her gall bladder. In addition, she suffered from irritable bowel syndrome and epileptic seizures. Action dismissed. Appeal dismissed.

Reproductive Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
S.L. (*Leskovar* in Westlaw)	N.B. (*Braithwaite* in Westlaw)	2008 October 15	[2008] O.J. No. 4013	Ont. S.C.J.	M.H. Tulloch J.	Male 17 years	$200,000.00	*Punitive Damages:* $50,000.00 *Family Law Act claim*: Mother - $35,000.00	Brutal swarming attack. Skin graft to right arm. Broken nose and right testicle had to be removed. Required 30 stitches to his face, 30-35 stitches to his head, and about 10 stitches to his leg. Pain in head and arm continued 2-3 yrs. Pain in groin not resolved. Unable to maintain regular employment or attend school since the attack.
Keech	Chang	2009 April 20	[2009] O.J. No. 1614	S.C.J.	D.F. Baltman J.	Female 60 years at trial	$85,000.00		Defendant physician negligently administered spinal epidural anaesthetic causing the PL to experience genital paresthesia, buttock numbness and bowel dysfunction.
Parsons	Niagara (Regional Municipality) Police Services Board	2009 June 29	[2009] O.J. No. 2718	S.C.J.	C.R. Harris J.	Male 25 Years	*Assault:* $30,000 *False Arrest and Imprisonment:* $7,000 *Malicious Prosecution:* $12,000	*Loss of Past Income:* $5,000 *Special Damages:* $8,025 *Punitive Damages*: $20,000 *Family Law Act:* Partner - $5,000 *Nervous Shock & Emotional Distress:* Partner - $10,000 Punitive Damages Partner - $5,000	False arrest. Multiple taser shots to the genitals while handcuffed. Nervous shock and emotional distressed caused by forced detainment. Plaintiff's damages reduced to $50,000 under jurisdictional limit (Rule 76).

Reproductive Organs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Savoni-Benard	Mundle	2011 October 7	2011] O.J. No. 4765	Ont. SCJ	Gates, J.	Female 22 years	$60,000	*Family Law Act Claim – Husband*: $10,000	Plaintiff delivered via caesarean. After the surgery, plaintiff suffered Internal bleeding undetected by attending physician. This complication required emergency surgery, resulting in a partial hysterectomy. Plaintiff is no longer capable of having children. Defendant not found negligent but Court did find damages due to loss of fertility for the Plaintiff. Costs to be awarded to Defendant, if demanded.

Ribs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Malhalab	Windsor (City)	2001 June 22	[2001] O.J. No. 2758 (2001) 21 M.P.L.R. (3d) 76	S.C.J. Windsor, Ontario	J.G. Quinn J.	Male	$22,000.00		Fractured 4 ribs. Compression fracture of thoracic vertebrae. Aggravated arithritic condition of neck and back. Unable to return to previous employment. Replaced by another employee.
Digiorgio	Smardenka	2004 October 5	[2004] O.J. No. 4147	S.C.J. Toronto, Ontario	Keenan J.	Male 50 years	$50,000.00	Special Damage: $4,693.19	Headaches and chest pain probably related to the fractured ribs. He also had problems in breathing which are related to fractured ribs caused by kicks in the chest area. Clearly suffered a post-traumatic stress disorder, which remains unresolved
Stroud	Nicholson	2005 August 31	[2005] O.J. No. 3671	S.C.J.	D.R. McDermid J.	Female 54 years	$125,000 (provisionally)		MVA -- cervical sprain, skull fracture, closed head injury, bump on head, headaches, nausea, dizziness, intermittent double vision, bruising on shoulder, chest & hip, pain in arm, shoulder, hand & leg, memory impairments, incoordination & weakness, numbness in 2 fingers, sore ribs, sleep disturbance, fatigue.

Ribs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Litwinenko	Beaver Lumber Co	2006 August 10	[2006] O.J. No. 3383	Ont. S.C.J. Thunder Bay	J. Wright J.	Female 69 years (76 years at trial)	$15,000.00	*Special Damages:* $12,197.19	Occupiers liability. Slipped and fell heavily to the ground, falling on her right side and striking her head. She suffered an injury to her head, ribs, leg, and shoulder, as well as multiple bruises and abrasions. She suffered a slight concussion, which resulted in vomiting, dizziness, and headaches. Plaintiff remained in hospital for 41/2 days. Her leg injury resolved within a few months, her ribs healed within six months, and her headaches eventually abated to their previous state
Appeal allowed re damages and liability.		2008 May	[2008] O.J. No. 2133	Ont. S.C.J. Divisional Court Thunder Bay	S.E. Greer, D.S. Crane (dissenting) and A.M. Gans JJ.		Reassessed at $45,000.00	*Special Damages* Reassessed at $122,405.19	Pre-existing heart condition, headaches, right shoulder pain, and marked degenerative disc disease to her cervical spine, which had been symptomatic. Injuries disturbed symbiosis on a permanent basis invoking the "thin skull rule". Liability: Trial – 50/50 Appeal – 15/85 in favour of appellant

Ribs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Thornhill (Litigation Guardian of)	Shadid	2008 January 31 Additional reasons re non-wage benefits, costs, and protected-unprotected defendants and apportionment issues 2008 May 20	[2008] O.J. No. 372 [2008] O.J. No. 2001	S.C.J. Newmarket, Ontario	P.H. Howden J.	Female 30 years	$225,000.00	*Past loss of earnings*: $106,232.00 *Future loss of earnings:* $932,300.00 *Additional loss re surgery:* $23,300.00 *PV of future pension losses:* $29,200.00 *Future care costs:* $481,500.00 *Moving costs:* $17,800.00 *Family Law Act Claims*: Husband - $35,000.00 Son- $25,000.00	Motor vehicle accident. Contusion over her left shoulder, fractured ribs, a fractured right arm, a laceration over her right knee and, most significantly, open fractures to two of the three principal components of her right knee. Orthopaedic surgeons described knee injury as very severe. Serious permanent limitations and arthritic changes in the joint restrict her to part-time sedentary work and few activities. Endured six surgeries. Expected to undertake more over the next two decades.

Ribs									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Tubis	Zochowsk	2011 Oct 7	[2011] O.J. No. 4408	Ont. SCJ	Lederer, J.	Female 79 years	$60,000	*Pecuniary*: $6,400 Family Law Act Claim – Husband: $10,000 Family Law Act Claim – Son: $2,000 Loss of Income – Son: $15,000	Internal bleeding of the head, loss of consciousness, fractured rib, broken front teeth resulting in extraction and bridge, facial fractures, multiple lacerations and abrasions to body. All resulting in chronic pain. Fatigue and insomnia. Behavioural changes. Difficulty with speech. Postraumatic headaches. Depression and stress.Inability to care for self and need for constant supervision. Plaintiff sought default judgment due to undefended claim, court awarded

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Peel	West Wawanosh Mutual Insurance Co.	S.C.J.: 1999 January 7 Ont. C.A.: 1999 December 1	S.C.J.: [1999] O. J. No. 787; 40 M.V.R. (3d) 287 Ont. C.A.: [199] O. J. No. 4663	Ont. C.A. varying in part re FLA claims S.C.J. Kitchener, Ontario	S.C.J.: Sills J. Ont. C.A.: Catzman, Borins, Sharpe JJ.A.	Female 25 years	$75,000.00	*Family Law Act claims: children*- $20,000.00 each Death of father: $35,000.00/ child Injury to mother: $10,000.00/ child	Laceration of bowel and liver. Fractures to pelvic area and left humerus. Discomfort to lower extremities, abdomen, left upper extremity. Left shoulder injury persisted 1 year after accident. Significant abdominal scarring. Pain & discomfort expected to persist. Husband died in same accident.
Plumley	North York Board of Education	2000 July 6	[2000] O. J. No. 2636; [2000] O.T.C. 514	S.C.J. Toronto, Ontario	Garton J.	Female	$40,000.00	Future loss of income: $10,000.00 *Family Law Act claims*: Mother - $5,000.00 *Family Law Act claims* Sister - $500.00	Injury to shoulder while high school student. Severe pain. Posterior subluxation of shoulder. Underwent arthroscopy and surgery. Scarring to shoulder and arm. Depression. Difficulty reaching for things. Continuous shoulder pain.
Brown	Canadian Tire Corp.	2000 December 12	[2000] O. J. No. 4722; [2000] O.T.C. 850	S.C.J. Toronto, Ontario	Spence J.	Male	$35,000.00	Loss of corporate advantage: $7,500.00	Fall on pool deck. Left shoulder tending to pop out and dislocate frequently. Couldn't work with both hands. Surgery. Rehab. Immobilized for 2 months. Unable to return to same level of work. Continued pain in shoulder.
Clark	Doublerink Arenas Ltd.	2001 May 14	[2001] O.J. No. 1841 [2001] O.T.C. 364	S.C.J. Toronto, Ontario	Pitt J.	Male	$60,000.00		Dislocated left shoulder, nerve damage to left arm. Fractured left tibia and fibula. Pain in neck, shoulders, back, spine, arms and legs. Emotional stress and depression. Insomnia. Predisposed to future problems. Shoulder later re-injured in work-related accident.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Miller	Moulure Alexandria Moulding Inc.	2001 December 21	[2001] O. J. No. 5463; [2001] O.T.C. 967; (2001), 36 C.C.L.I. (3d) 127	S.C.J. Simcoe, Ontario	Lofchik J.	Female	$55,000.00	*Future loss of earnings:* $90,000.00	Soft tissue injuries exacerbated previous back problems and resulted in continuous neck, shoulder and lower back pain. Significant possibility of non return to full time employment. Possible permanent disability. Post-traumatic stress symptoms. Reactive depression.
Williams	Mendez	2003 January 23	[2003] O. J. No. 465 Additional reasons: [2003] O. J. No. 473	S.C.J. Newmarket, Ontario	Shaughnessy R.S.J.	Female 39 years	$120,000.00	*Future loss of earnings* $130,931.20	Multiple soft tissue injuries. Injury to arms, elbow, lower back, neck, shoulders. Disfiguring & permanent scars. Neurostimulator malfunctioned. Significant emotional distress. Likely to be permanent. Assistance with all chores. Lessened sports activities.
Fisico	Boudakian	2003 February 18	[2003] O. J. No. 555	S.C.J. Toronto, Ontario	Mandel J.	Male 39 years	$20,000.00 (provisionally)		3 surgeries to remove kidney stone. Allegations of shoulder, neck pain & complications. Action dismissed – history of dishonest claims. Very chequered work history.
Barniske	Mohamed	2003 March 5 Additional Reasons: April 2, 2003	[2003] O. J. No. 810 Additional Reasons: [2003] O. J. No. 1327	S.C.J. Sault Ste. Marie, Ontario	Caputo J.	Male 33 years	$55,000.00		See – Spine/Neck. Concussion and soft tissue injuries when bicycle struck by vehicle. Swollen face, neck & back pain, abrasions, hip contusion, stiffness. Rotator cuff tendonitis and overlap problem with cervical spine mechanical pain. Physiotherapy didn't help. Let go from printing business. 9 yrs post-accident suffered stiffness and irritation to shoulder & neck. Limited work & recreation.
Manning	3980 Investments Ltd.	2003 April 28	[2003] O. J. No. 1937	S.C.J. Brampton, Ontario	Belleghem J.	Female 59 Years	$20,000.00		Slip and Fall. Injuries to shoulder and arm. Significant cervical strain, abrasions to knee, mild scarring, and major injury to right shoulder.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Coulter	Liberty Mutual Insurance Co.	2003 May 21	[2003] O. J. No. 2088	S.C.J. Toronto, Ontario	Archibald J.	Female	$45,000.00	*Family Law Act claim*: Husband - $5,500.00	2 accidents – claim for 2nd one dismissed. Injuries, bruising to shoulder, neck, back, abdominal area. Severe headaches. Urinary tract infection. Able to work full time. No loss of competitive advantage.
Landeta	Toronto Area Transit Operating Authority	S.C.J.: 2001 July 5 Ont. C.A.: 2003, June 9	S.C.J.: [2001] O. J. No. 2767 Ont. C.A.: [2003] O. J. No. 2260	Ont. C.A. upheld S.C.J.	S.C.J.: Trafford J. Ont. C.A.: Carthy, Charron, Sharpe JJ.A.	Female	$75,000.00	*Future loss of earnings*: $250,000.00 *Future care costs*: $160,000.00 Family Law Act claim: Husband - $15,000.00	Torn rotator cuff off right shoulder. Supraspinatus and infraspinatus tendon torn. Successful surgery unlikely. Moody, depressed, social isolation, poor self esteem. Unable to return to pre-accident employment.
Ernst	Quinonez	2003 September 4	[2003] O.J. No. 4509 [2003] O.J. No. 3781 [2004] O.J. No. 556	S.C.J. Niagara Falls, Ontario	Henderson J.	Male	$25,000.00	punitive damage: $10,000.00	Scrapes and abrasions to forehead, face, chin, arms, and knees; bruises all over body; sore neck; swollen cheek; tingling in fingers; welts on back and legs; chipped 2 teeth; bankart lesion on shoulder that led to subsequent dislocation; shoulder pain expected to continue.
Kapoor	Patterson	2004	[2004] O.J. No. 1211 [2004] O.J. No. 4056	S.C.J.	Wein	Male	$20,000.00		MVA - pains to his right shoulder, knee and thigh, hip and leg injury.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Jones	Mazolla	2004 January 8	[2004] O.J. No. 366	S.C.J.	Herman J.	Female 35 years	$50,000.00	Loss of income: $2,748.48 Family Law Act: husband- $5,000.00 Family Law Act: Daughter- $15,000.00	Headaches, back, neck, shoulder and chest pain. Sleep problems and unable to perform household duties. Chronic pain due to injuries. Decreased concentration, emotional lability.
Milnes	Burlington	2004 February 25	[2004] O.J. No. 1407	S.C.J. Hamilton, Ontario	Crane J.	Female 69 years	$30,000.00 (provisionally)	*Family Law Act* – husband: $5,000.00 ***Family Law Act*** daughter: $1,500.00	Shoulder limitations are a direct result of the fractured olecranon, Pain in elbow and at the shoulder.
Vagliardo	Arnaiz	2004 June 24	[2004] O.J. No. 3428	S.C.J.	Wright J.	Male 38 years	$75,000.00	*Past Income Loss:* $25,130.00 *Future Loss of income*: $94,950.00	Sustained an injury to the left side of his head with temporary hearing loss. A left shoulder injury, neck injury and a lower back injury. His injuries were accompanied with headaches and persistent pain. His main complaints are neck pain and lower back pain.
Lewis	Toronto	2004 November 18	[2004] O.J. No. 5411	S.C.J.	J.F. McCartney J.	Female 55 years	$60,000.00 (provisionally)	Special damages: $20,000.00	Slip and fall on sidewalk. Injuries to arm and shoulder.
Hornick	Kochinsky	2005 March 29	[2005] O.J. No. 1629	S.C.J. Chatman, Ontario	Thomson J.	Male 39 years	$125,000.00	*Past loss of income*: $14,390.00 *Family Law Act*: wife-$45,000.00 *Family Law Act* Sons- $45,000.00 each	Severe whiplash and brain injury as result of MVA. Ongoing problems with lower back, left shoulder and right knee. Soft tissue injuries. Severe adjustment disorder involving significant anxiety, depression and frustration.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Stroud	Nicholson	2005 August 31	[2005] O.J. No. 3671	S.C.J.	D.R. McDermid J.	Female 54 years	$125,000 (provisionally)		MVA -- cervical sprain, skull fracture, closed head injury, bump on head, headaches, nausea, dizziness, intermittent double vision, bruising on shoulder, chest & hip, pain in arm, shoulder, hand & leg, memory impairments, incoordination & weakness, numbness in 2 fingers, sore ribs, sleep disturbance, fatigue.
Mason	Moore	2005 September 9	[2005] O.J. No. 3799	S.C.J.	W.A. Jenkins J.	Female 48 years	$90,000.00	*Cost of care*: $63,087.00 *Past loss of income*: $43,013.00 *Future loss of income*: $225,675.00 *Family Law Act claim*: Husband- $15,000.00	MVA -- pain, swelling & limitation of movement in both knees, undisplaced fracture of patella, neck & back injuries, pain in neck, back & shoulder, 3 knee injections, aggravation of symptomatic degenerative knee changes, arthroscopic surgery, ongoing headaches & pain in neck and shoulder.
Burrill	Ford Motor Co. of Canada	2006 October 11	[2006] O.J. No. 4059	S.C.J. Woodstock	T.A. Heeney J.	Male 61	$35,000	*Pecuniary* Lost earnings: *$168,832* *Family Law Act* – (Wife) - $12,000 *Third Party* (Property Damage) $7,386	P. suffered injuries to back and shoulder in MVA. Auto manufacturer found 100% liable joint and severally. Claim for loss of earnings reduced 10% for failing to return to work earlier.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Kourtesis *Dismissed action for general damages and subordinate claims	Joris	2007 July 10	[2007] O.J. No. 2677	Ont. S.C.J.	E.R. Browne J.	Female 18 years	*Jury assessed at $45,000.00 but judge dismissed general damages claim.	*Future financial loss:* $25,000.00	M.V.A. Soft tissue injuries mainly resulting from pain in neck and shoulder. P complains of sore neck, pain in the left arm, tingling in the left arm, sore left shoulder area, sleep disturbance, concentration and memory problems, headaches, fatigue, anxiety or depression, low back pain (from about 2004) and flare-ups of pain. P failed to prove she had a serious impairment interfering substantially with her ability to perform her usual activities of daily living or obtaining and continuing regular employment.
Coulson Action dismissed - damages assessed	Hamilton (City)	2008 December 9	[2008] O.J. No. 4977	S.C.J.	C.S. Glithero J.	Female 68 years	$82,500.00	*OHIP:* $23,186.27	Slip and fall - Right shoulder injury. Plaintiff 50% at fault.
Sabourin	Dominion of Canada General Insurance Co.	2009 April 9	[2009] O.J. No. 1425	S.C.J.	G.T.S. Valin J.	Female 42 years at trial	$40,000.00	*Net Present Value of the Future Loss of Housekeeping and Home Maintenance Services:* $70,250.00	No liability – damages calculated but not awarded. MVA causing soft tissue injuries to plaintiff's neck and right shoulder. Pain and discomfort prevents plaintiff from performing housekeeping and home maintenance services at her pre-accident levels.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lawson	Costco Wholesale Canada Ltd.	2010 April 12	[2010] O.J. No. 1457	S.C.J.	J.F. McGarry J	Female 69 years at trial	$30,000.00	*Special Damages:* $8,000.00 *Cost of Future Care:* $10,000.00	Slip and fall accident causing severe pain in PL's left leg, hip and shoulder. As a result of her injuries, PL requires a left knee brace to assist in standing and walking as well as on-going massage therapy to prevent her shoulder from freezing. PL also became depressed over her lack of recovery from injuries sustained in accident. Pre-existing medical condition prior to accident included suffering from neck problems, migraine headaches and lower back pain.
Slaght	Phillip	2010 December 9	[2010] O.J. No. 5343	Ont. S.C.J.	Turnbull, J.	Female 47	$110,000.00	*Future loss of Income:* $123,512.00 *Loss of Pension Benefit:* $11,000.00 *Past loss of income:* $6,500	MVA. Plaintiff suffered torn ligament in her shoulder. Continues to suffer pain 5 years after accident. Plaintiff had to switch line of work from one she enjoyed. She feels depressed and has given up active lifestyle and social life.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Billings Appeal by Plaintiff	Mississauga (City)	2010 2011	2010] O.J. No. 3304 [2011] O.J. No. 1449	S.C.J. Ont. C.A.	C.N. Herold J. D.R. O'Connor A.C.J.O. J.I. Laskin J.C. MacPherson JJ.A.	Male	$85,000	*Loss of Past Income:* $25,000 *Special Damages:* $3,127	Damages calculated but not awarded. Slip and fall on icy sidewalk. Fractured tail bone; severe back pain. Head injury. Soft tissue shoulder injury. Bruised elbow. Damages reduced 25% for contributory negligence. Appeal dismissed. The city's policy toward snow removal was reasonable and they adhered to the policy.
Frampton	Fransons	2010	[2011] O.J. No. 328 2010 ONSC 6475	S.C.J.	W.A. Jenkins J.	Male 40 years	$37,500	*Subrogated OHIP claims:* $50,023.65 *Drug Expenses*: $4,393.90 *Future care*: $12,500 *Loss of competitive position:* $25,000	Plaintiff electrocuted while helping defendant fix a light fixture in the defendant's auto parts shop. Plaintiff fell off a 10 foot skid and suffered severe fracture of right shoulder and upper arm as well as pain, dizziness and short term memory loss from the shock. Plaintiff suffers from chronic pain has permentently limited movement in his right arm. Plaintiff found 50% responsible for the accident. Therefore all figures in the table to the left are reduced by 50% due and represent the amount owed by the defendant.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.				A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries.
						P1: Female 70 years	P1: $45,000	*P1: Loss of Housekeeping: $3,000* *P1: Special Damages: $250*	P1: stitches to head and leg, cast then crutches, headaches, knee pain.
						P2: Male 37 years	P2: $50,000	*P2:Family Law Act Claim – Wife: $10,000*	P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain.
						P3: Female 30 years	P3: $30,000	*P3: Family Law Act Claim – Husband: $10,000*	P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety.
						P 4: Male 28 years	P4: $60,000	*P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder.
						P5: Male 33 years	P5: $20,000		P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head.
						P6: Male 30 years	P6: $25,000		P6: bruising on mid and low back.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)									Cut to head requiring stitches and later infected. Cut to left hand. Abrasions to neck and mid-back. Physiotherapy required.
						P7: Female 27 years	P7: $65,000	*P7: Loss of Future Housekeeping: $5,000* *P7: Loss of Past Wages: $320*	P7: pain and discomfort to face, above left eye, along right side, right elbow, lower back. Compression fracture. Open wound injury to right knee and some bruising. Stress and anxiety. Chiropractor required.
						P8: Male 19 years	P8: $20,000		P8: back and knee pain. Cuts on right hand, near thumb of left hand, skull and chin, resulting in scar. Difficulty sleeping and fatigue.
						P9: Female 38 years	P9: $55,000		P9: anxiety/PTSD. Bruising, back pain. Possible compression fracture.
						P10: Male. 14 years	P10: $65,000	*P10: Loss of Future Housekeeping: $5,000*	P10: cuts on head and arm. Bruising on right shoulder, resulting in rotator cuff tendinitis and muscle strain. Lower back pain. Chronic pain. PTSD. Physiotherapy required.
						P11: Female 39 years	P11: $50,000		P11: whiplash. Bruising to lower left leg, upper left arm, tailbone, and one finger. PTSD.
						P12: Female 29 years	P12: $70,000	*P12: Loss of Future Housekeeping: $25,000* *P12: Special Damages: $6,179.08*	P12: pregnant at time of accident. Ankle, neck and lower back pain leading to chronic pain. Physiotherapy required.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Olivier	803295 Ontario	2013 January 16	[2013] O.J. No. 160	Ont. S.C.J.	E.E. Gareau J.	Female 81 years	$50,000.00	*Special Damages:* $1015.99	Plaintiff fell down a flight of stairs at a restaurant, causing a broken right shoulder. Requires ongoing physiotheraphy. Was led to her table through a different path, which did not feature the steep step. Hostess warning plaintiff to "watch her step" fell below standard of care. Plaintiff was deemed to be careless, and found 25% liable for her own injuries.
Tennant	Fariba	March 20, 2013	[2013] O.J. No. 1260	SCJ	DiTomaso J.	Male 40 years	$65,000	*Pre-judgment interest at rate of 5% per annum from March 20, 2011 to date of judgment:* $ 3,500 *Loss of future housekeeping expenses:* $ 5,143 *Loss of future medical expenses:* $20,000 *Loss of future earning capacity:* $50,000 Costs $24,754.86 all inclusive	Motor vehicle accident. Plaintiff suffered pain in right arm, right shoulder, lower back and left knee. He underwent physiotherapy and took pain medication but had ongoing pain and weakness in right arm, and hand. Lower back improved but continued to be painful. Left knee was in constant pain. He has continuing symptoms of depression that meet the threshold.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Botosh	Ottawa (City)	2013 August 22	[2013] O.J. No. 3852	Ont. S.C.J. Ottawa	B. Warkentin J.	Female 26 years	$65,000.00	*Loss of Future Income:* $151,239.25 *Past Loss Income:* $23,195.75 *Future Care:* $75,375.25 *Special Damages*: $19,373.99	Plaintiff fell on a gap in the pavement on a city sidewalk. Suffered damage to her shoulder, requiring ongoing therapy. Anxiety and pain limited her future career prospects. Thin Skull: Plaintiff's left shoulder is affected by her cerebral palsy. Fall damaged her right shoulder, which she relied on more for her everyday tasks and functions. General Subcontractor and City were 25 percent liable each; pavement subcontractor was 50 percent liable.
Mikolik Appealed: trial judgement affirmed	Tanguay	2013 November 26 2016 January 5	[2013] O.J. No. 5352 2016 ONSC 69	Ont. S.C.J. Ont. S.C.J. (Div. Crt)	Arrell J. Molloy J., Sanderson J., Sachs J.	Male 34 years	$35,000	*Past loss of income:* $20,000 *Future loss of income:* $30,000 *Cost of future care:* $15,000	The plaintiff sustained a comminuted fracture of his clavicle that required internal fixation. That fixation was removed approximately four years post surgery. The plaintiff has been left with a large scar to the left shoulder area. He continues to have pain, depression and cognitive impairments. Pl. is found 20% liable for failing to wear a seatbelt.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Leochko	Rostek	December 20, 2013	[2013] O.J. No. 6077	SCJ Thunder Bay	Shaw J.	Female 37 years	$10,000	Past Loss of Income: $14,521.21	Whiplash and chronic pain as a result of a motor vehicle accident. Moderate soft tissue injury, a myofacial strain including muscle and connective tissue. Experienced headaches, nausea, dizziness and neck pain radiating to her shoulders and tingling and numbness of her left arm and fingers Liability was admitted by the defendant.
Grayling	Haldimand	January 17, 2014	[2014] O.J. No. 239	SCJ	Lofchik J.	Female 49 years	$50,000	*Future care costs:* $144,530 *Loss of income to date*: $9,000 *Loss of future income:* $12,000 *Family Law Act claim:* Husband 10,000 *Special Damages: to OHIP 657.34*	Fracture in greater tuberosity in the shoulder joint and a full thickness tear of the rotator cuff. Physically she cannot apply pressure through her right arm, lift or carry heavier items or complete repetitive arm movements against resistance or sustain her arm overhead for periods of time. Grayling is not able to maintain both work and household responsibilities due to her arm/shoulder strain and fatigue. Reduction of damages by 50% due to pl.'s contributory negligence.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hansen	Williams	February 10, 2014	[2014] O.J. No. 689	ONCA	Gillese, Rouleau and Tulloch JJ.A.	Female	$200,000	*Past Housekeeping:* $5,600 *Future Housekeeping:* $28,000 *Costs:* $12,500	Motor vehicle accident. Thoracic outlet syndrome (neck, shoulder and arm injuries) and headaches. Issue on appeal: did the charge of the trial judge to the jury result in unreasonable non-pecuniary damages? Appeal dismissed.
Sica	Doe	2014 March 17	[2014] O. J. No. 1219	Ont. S.C.J.	M.A. Garson J.	Male 35	$35,000	*Subrogated OHIP:* $398 *Subrogated Criminal Injuries Compensation Board:* $4,000	Plaintiff was assaulted. Plaintiff suffered from cut under his eye, bruising to his face and eye, arm and hand. He had headaches, and pain in his neck, shoulder and lower back. He was later diagnosed with ongoing social anxiety, and post-concussion syndrome, which includes severe headaches, blurred vision, fatigue, and loss of appetite. He has a permanent scar under his left eye. Undefended trial.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Doxtater	Farrish	2014 July 16	[2014] O.J. No. 3411	Ont. S.C.J.	J.M. Morrissette J.	Female 35	$100,000	*Loss of Competative Edge*: $50,000 *Family Law Act Claim*: *Husband* $15,000 *Family Law Act Claim: Two Children* $15,000 each	Plaintiff was in motor vehicle accident. Plaintiff suffered from bruising and injuries all over her face and body from broken glass; lesions on her legs, chest, abdomen, and neck; persistant pain in her right shoulder, right chest, neck, right knee, and lower back, memory and concentration difficulties, mild tramatic brain injury; and anxiety and major depression disorder. She has decreased desire for social or recreational activity. Plaintiff's impairments are permanent.
Radmanish	Sulaimankhail	2014 September 19	[2014] O.J. No. 4386	Ont. S.C.J.	Firestone J.	Male 30	$39,900	*Aggravated Damages:* $3,000 *Past Loss of Income:* $23,544	Plaintiff was assaulted three times at his workplace. Plaintiff suffered soft tissue injuries to his neck and shoulder, abrasions on his face, and laceration to his temple. He has been diagnosed with post-tramatic stress disorder. He has bad dreams, flashbacks, occasional headaches, and ongoing pain in his neck and shoulder.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Miller	R	2015 January 29	[2015] OJ No. 427 Additional reasons re: costs 2015 ONSC 2554	Ont. S.C.J.	Leach J.	Male 50 years	$100,000		Plaintiff, an inmate, slipped down icy stairs. Plaintiff suffers from ongoing pain in his neck, back, shoulders, and triceps. The fall caused a tear in a tendon in his shoulder and affected the nerves in his arm. He has ongoing weakness, lack of sensation, and occasional pain in that arm. He is unable to lift weights, and has lost considerable weight, which has lowered his self-esteem. Weakness in his arm causes him to repeatedly drop items, compounding lowered self-esteem. Plaintiff has symptoms of depression and his relationship with wife is impaired. Plaintiff had pre-existing drug addiction. Damages reduced by 30% due to contributory negligence.
Pupo	Venditti	2017 March 6	[2017] O.J. No. 1600	S.C.J	D.L. Edwards J.	Male	$150,000.00		MVA-Plaintiff, a meat cutter, suffered from neck pain which generated headaches, as well as pain in his left shoulder. The plaintiff could not resume his job as a meat cutter.

Shoulder & Collar Bone									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Pomeroy	Misljencevic	2016 November 4	2016 ONSC 5867	S.C.J.	R. Scott J.	Female, 44	$140,000.00	*Management fee:* $17,100.00 *Future income loss:* $372,000.00 *Past income loss*: $137, 211.00	MVA- Plaintiff's vehicle was rear-ended and forced under a truck in front of her. Plaintiff immediately suffered from myofascial chronic pain in the neck and right trapezius muscles and related cervicogenic headaches and right frozen shoulder. Plaintiff has not recovered from the physical impairments and is unable to work. The overall award was increased by 0.8% to account for productivity.
Zaravellas	Armstrong and the Toronto Transit Commission	2016 June 3	[2016] O.J. No. 3020	S.C.J	S.A.Q. Akhtar J.	Male	$30,000.00		Plaintiff suffered a fractured right shoulder when he slipped and fell on an icy sidewalk. No surgery was required to treat the injury. The injury healed without further health implications. Damages were reduced by 25% to reflect plaintiff's contributory negligence. Action dismissed-no liability established on the part of the defendant city.

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Ankle									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lear	London (City of)	1999 September 8	[1999] O.J. No. 3503; (1999) 5 M.P.L.R. (3d) 17	S.C.J. London, Ontario	Leitch J.	Male 30 years	$45,000.00	*Future loss of competitive advantage*: $27,000.00 *Future care costs*: $11,315.00	Delivery Driver. Grade 9 education. Fracture of left fibula with dislocation of ankle joint and disruption of ligaments b/w tibia and fibula. Open reduction & internal fixation performed. Occasional depression. Restricted recreational activities 5 yrs post-accident. Possibility of arthritis in future.
Przelski	Ontario Casino Corp.	2001 July 6	[2001] O.J. No. 3012	S.C.J. Welland, Ontario	J. W. Quinn J.	Female	$60,000.00		Fracture of right ankle. Plaster cast applied in emergency department. Later diagnosed with non-displaced fracture of right distal fibula. Small risk of post-traumatic arthritis of right ankle. Able to resume pre-accident activities in 1 year. Some pain & swelling.
Hutchison	Dalton	2002	[2002] O.J. No. 4764	S.C.J. Hamilton, Ontario	Cavarzan J.	Female	$50,000.00	*Future care costs*: $83,074.00 *Loss of competitive advantage*: $162,801.00 *Family Law Act Claim*: Husband - $15,000.00 *Family Law Act Claim* Daughter – $5,000.00	Stepped on beer bottle and fell. Severe injury to ankle. Whiplash type injury. Sublaxation and numerous fractures. Chiropractic treatment. Leg cast for 7 wks. Numerous operations. Likely arthritic. Pre-existing spinal cord condition. Panic in job – laid off. Difficult to find employment. Separated from husband.

Ankle									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Carere	Cressman	2002 April 16	[2002] O.J. No. 1496, [2002] O.T.C. 258, (2002) 12 C.C.L.T. (3d) 217	S.C.J. Welland, Ontario	Henderson J.	Male 16 years	$225,000.00	*Future loss of earnings*: $949,000.00 *Family Law Act Claims*: Mother - $216,000.00 *Family Law Act Claims* 3 sisters - $20,000.00 $5,000.00, $10,00.00	Cerebral palsy. Doctor's negligence in performing external cephalic version on plaintiff's mother during pregnancy. Underwent many surgeries. Pain in knees, hip, ankle, low back. Bowel problems. Never live independently without supervision. Never competitively employable.
Winter	London (City)	2002 August 27	[2002] O.J. No. 3724; (2002) 32 M.P.L.R. (3d) 219; [2002] O.T.C. 720	S.C.J. London, Ontario	Leitch J.	Male 39 years	$40,000.00 (provisionally)		Bi-malleolar fracture of right ankle while inline skating on municipal roadway. Open reduction & internal fixation. Used crutches – was in cast. HIV –positive. Depressed. Social life suffered. Removal of plate carried risk of infection.
Cox (Litigation Guardian of)	Marchen	2002 September 12 2003 April 3 (amended judgement)	[2002] O.J. No. 3669; [2002] O.T.C. 696	S.C.J. Kingston, Ontario	Robertson J.	Female Late teens	$37,500.00	*Family Law Act Claim*: Mother - $10,000.00 *Family Law Act Claim* Father - $4,500.00	Bottom edge of door struck ankle. Nearly severed Achilles' tendon. Painful surgery to reattach it. Wheelchair, crutches, cane. Unable to participate in baseball league. 2% chance of re-rupture.
Bellefleur	London (City)	2002 October 2	[2002] O.J. No. 3836; 2002) 33 M.P.L.R. (3d) 252; [2002] O.T.C. 877	S.C.J. London, Ontario	Heeney J.	Female	$12,000.00 (agreed upon amount)		Large hole on shoulder of road. Twisted right ankle and fell.
Ferreira	G Spot Nite Club Inc.	2003	2003 CarswellOnt 3047 [2003] OJ No. 3140	S.C.J.	Dunnet	Female 25 years	$55,000.00		displaced fracture of right ankle; possible future arthritis; following injury can no longer wear heels; does not have strength and mobility in ankle; was a dancer of Brazilian Samba has to give up dream

Ankle									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hutchison	Daredevil Park Inc.	2003	2003 CarswellOnt 1480 [2003] OJ No. 1570	S.C.J.	Weekes	Male 49 years	$36,000.00	*Family Law Act Claim* : Wife- $2,800.00 *Family Law Act Claim: son-* $800.00	Broken ankle (fracture of the distal fibula involving the fibular malleolus and a posterior lip fracture of his distal tibia); fractures were displaced – broken while using waterslide result in numbness in foot and toes, tremors in leg.
Walker	Ritchie	2003 January 3	[2003] O.J. No. 18, [2003] O.T.C. 3	S.C.J. Sarnia, Ontario	Brockenshire J.	Female 17 years	$250,000.00	*Loss of interdependent relationship*: $125,000.00 *Future loss of earnings*: $1,421,225 *Family Law Act Claims*: Mother - $65,000.00 *Family Law Act Claims* Father - $50,000.00 *Family Law Act Claims* 3 sisters - $15,000.00 each	Severe traumatic brain damage. 6 week coma. 6 month amnesia. Severe motor disability. Fracture of right ulna, proximal phalanx of left middle finger, small osteochondral chip of bone anteriorly in left ankle. Lacerations of right forehead & right shoulder. Facial droop, dysarthric speech, jerky eye, slow arm movement. Neurologic effect worsens with time. Unable to retain competitive employment.
Renaud	Windsor (City)	2004	[2004] O.J. No. 2836	S.C.J.	Patterson	Female	$40,000.00	Past Income Loss: $1,875.00 Future Loss of Income $25,000.00	Slip and fall on municipal sidewalk. Sustained a fracture dislocation to her left ankle. The doctor performed an open reduction, Internal fixation with a plate and several screws. She was in the hospital for about four days.

Ankle									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Dent	Lammens	2004 August 23	[2004] O.J. No. 3495	S.C.J.	Brockenshire J	Female 43 years	$150,000.00	*Past and future income loss*: $$200,000.00	After surgery, could not feel or move her left leg. Developed full, frank drop of left foot. Dr. failed to decompress L5 nerve root as it proceeded obliquely from spinal cord canal out of spine and into surrounding soft tissue. Loss of ankle stability.
Cooney	Kingston City	2005 June 1	[2005] O.J. No. 2196	S.C.J.	D. Belch J.	Male 44 years	$40,000.00 Reduced by 50% on account of contributory negligence		Slip & fall on sidewalk. Fractured ankle.
Levy	Brampton (City)	2005 June 15	[2005] O.J. No. 2487	S.C.J.	J.M. Spence J.	Female	$27,500.00	Future economic loss: $8,200.00 Family Law Act claims: Sons- $6,000.00 each	Liability not established. Damages calculated but not awarded. Slip & fall on icy sidewalk. Fractured ankle.
Bourgoin	Leamington (Municipality)	2006 April 13	[2006] O.J. No. 1474	S.C.J.	Nolan J.	Female 45 Years Old	$125,000	*Medication and related expenses:* $ 6,496.28 *Past and future income*. Not calculated.	P. tripped on hole in defendant municipality sidewalk. Hole exceeded maximum size allowed by municipal policy. P. found to have no duty to mitigate.

Ankle									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Flentje	Nichols	2006 September 21	[2006] O.J. No. 3836	S.C.J.	J.A. Blishen J.	Female 24 years	$30,000.00	*Loss of income:* $5,373.00 *Ministry of Health subrogated interest:* $4,731.47 *Special damages:* $353.95	Slip and fall in parking lot. Plaintiff fractured her right leg and ankle. (Comminuted fracture of tibia and a fractured fibular shaft.) Surgery was required to insert a metal plate and screws. Further surgery was required to remove the plate and screws. 35 sutures were required leaving a large scar on the plaintiff's lower leg. Plaintiff continued to limp and experience swelling of her leg.
McIntyre	Grigg	2006 November 6	[2006] O.J. No. 4420	Ontario Court of Appeal, Toronto Appeal from Superior Court of Justice	R.R. McMurtry,K.M Weiler, R.A. Blair	Female University student	$250,000	*Punitive* reduced from $100,000 to $20,000 *FLA claims*: $15,000 for each parent and $5000 for sister *Aggravated damages* of $100,000 disallowed	Appeal allowed with respect to aggravated damages, *FLA* claims and punitive damages Plaintiff gifted athlete; suffered closed head injury, broken right femur; continued lower back pain, knee, ankle and shin discomfort, scarring on leg; brain trauma leading to depression, psychotic episodes, paranoia, two suicide attempts

Ankle									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Cerilli	Ottawa (City)	2006 December 5	[2006] O.J. 4850	S.C.J.	C.D.A. McKinnon	Female 42	$70,000	*FLA Claim* for son $5000 *Future Care* $38,800 *Out of pocket expenses* $9,300 *Past Lost Income* $32,100 *Loss of Competitive Advantage* $80,000	Fell on icy sidewalk; fracture of left tibia required surgery and physiotherapy; excrutiating pain in left ankle; walks with a noticeable limp; developped arthritis is ankle
Fulton Appeal Dismissed	Welland	2006 December 8 2007 November 6	[2006] O.J. No. 4879 [2007] O.J. No. 4260	S.C.J. Ont. C.A. Toronto	D.S. Crane J. J.I. Laskin, S.E. Lang and R.G. Juriansz JJ.A.	Female	$25,000.00	*Loss of wages:* $5,500.00 *Out-of-pocket expenses:* $439.16 *Ministry of Health claim:* $6,608.19 *Family Law Act* claim: Husband - $3,500.00	Trip & fall incidents - The plaintiff suffered an ankle injury as a result of a second trip and fall incident. The injuries were a grade-two ligamentous strain with partial tearing of the ligament and nerve damage, initial low back strain from the first fall and re-injury of the ankle sprain in the second fall, together with some lacerations. Recovery - in excess of three years, with residual and continuing morning stiffness of the right ankle, some chronic pain from time to time and a general mild limitation of some activities. (Damages reduced by 25% due to contributory negligence).

Ankle									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lambert	Fort William Indian Band	2006 December 18	[2006] O.J. No. 5031	Ont. S.C.J.	J.F. McCartney J.	Female, 52 years	$55,000.00	*Special Damages:* $1,859.60 *Ohip Subrogated Claims:* $6,651.05 *Past loss of income:* $2,274.17 *Future loss of income:* $90,447.60	Slip and Fall. Trimalleolar fracture dislocation to the right ankle. Had to operate to repair the fractures by the insertion of a plate with multiple screws, all of which are still intact. Required physiotherapy and needed help getting around. Injuries restricted her work as a home care provider. May require future surgery.
Maguire	Kesmarky	2007 April 11	[2007] O.J. No. 1361	Ont. S.C.J.	R.G. Byers J.	Male,	$60,000.00	*Special Damages:* $22,812.00	Medical negligence. Corticosteroid injection very close to the plaintiff's achilles tendon caused rupture of the achilles tendon. Although risk of this is high, P was not warned. Has now basically recovered but still has problems with balance and can't play golf.
Schneider Appeal allowed - Trial judgment set aside.	St. Clair Region Conservation Authority	2007 December 3 2009 September 9	[2007] O.J. No. 5325 [2009] O.J. No. 3667	Ont. S.C.J. Ont. C.A. Toronto	W.U. Tausendfreund J. K.N. Feldman, E.E. Gillese and P.S. Rouleau JJ.A.	Female, Mid-40s	$90,000.00	*Special Damages:* $20,170.00 *Family law act claim:* Husband – $5,000.00	Serious right-ankle injury while cross-country skiing. P was a former elite athlete and her sporting activities were dramatically affected by the accident and her activities would remain limited. Cannot walk for more than 15 mins at a time. Appeal allowed - Trial judgment set aside.

Ankle									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
O'Brien	Charbonneau	2009 March 13	[2009] O.J. No. 1029	S.C.J.	R.D. Gordon J.	Female 51 years at trial	$32,500		Plaintiff involved in a serious MVA with the defendant in 2000. Suffers permanent and constant back pain, ankle pain and pain-related fatigue that seriously affects her enjoyment of life. Defendant's motion for an order that plaintiff is not entitled to recover damages for non-pecuniary loss is dismissed.
Frazer Appeal dismissed. Trial judgement upheld.	Haukioja	2010 April 7	[2010] O.J. No. 1334	Ont. C.A. Toronto, Ontario	J.C. MacPherson J.M. Simmons H.S. LaForme JJ.A.	Male 31 years	*Misdiagnosis:* $2,500 *Psychological Injury:* $150,000	*Loss of Past Income:* $283,378 *Loss of Future Income:* $1,200,000 *Future Care Costs:* $14,911 *Family Law Act:* Partner - $50,000	MVA causing fractured ankle. Misdiagnosis causing psychiatric illness, anxiety disorder, panic disorder and depressive emotional states.
Ouderkirk Appeal dismissed. Trial judgement upheld.	Clarry	2010 May 28	[2010] O.J. No. 2223	Ont. C.A. Toronto, Ontario	K.N. Feldman R.P. Armstrong G.J. Epstein JJ.A.	Female	$30,000	*Loss of Income:* $10,000	No liability – damages calculated but not awarded. Plaintiff fell off deck. Fractured ankle. Required surgery. Ongoing pain in ankle and back plus 10-15% risk of post-traumatic arthritis.

Ankle									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Rappos	Corp. of the Cave Inc. Laflèche (Laflèche Adventure Cave & Aerial Park)	2012 April 18	[2012] O.J. No. 1703	Ont. SCJ Ottawa	McMunagle, J.	Female	$65,000	*Loss of Past Income: $13,045* *Pre-judgment Interest: $10,145.06* *Costs: $3,000*	Plaintiff used Defendant zip-lining and aerial course. Due to improper gloves, lack of supervision and little training, Plaintiff was unable to control her speed and fell. Injured ankle, requiring two surgeries and rehabilitation therapy. Plaintiff moved for default judgment as Defendant did not respond to claim, and court accepted.
Enros	Adelaide Investments	2012 February 1	[2012] O.J. No. 429	Ont. SCJ	MacKenzie J.	Male 34 years	$50,000	*Loss of Income*: $36,500.00 *Family Law Act Claim – Wife*: $3,000 *Costs*: $12,000 + disbursements of $2,517	Plaintiff was attacked in a bar by three men. Assault resulted in bruusing and swelling to head and upper body, comminuted fracture to ankle. Ankle required surgery, then metal plate and screws. Plaintiff was bedridden with cast, and suffers continued pain. Physiotherapy required. Loss of full range of motion. The three assailants left bar after the assault and were never identified. Defendant is the corporate owner of the bar where assault occurred.
Glass	Glass	2013 June 7	[2013] O.J. No. 2602	Ont. S.C.J.	G.M. Mulligan J.	Male	$125,000	*Future Cost of Care:* $150,000.00	Plaintiff was a passenger in an automobile accident. Suffered whiplash, neck injuries, broken ankle, and broken sternum. Has ongoing difficulty walking. Clinical depression exacerbated by pain (Thin Skull). Virtually housebound by injuries.

Ankle									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Khelifa Appeal dismissed. Trial judgement affirmed	Ontario Corp. 1358584	2015 February 13 2016 September 23	[2015] O.J. No. 888 2016 ONCA 698	Ont. S.C.J. Ont. C.A.	D.A. Wilson J. John Laskin J.A., K. Feldman J.A., and C.W. Hourigan J.A.	Female 34 years	$175,000	*Future care costs*: $100,000 *Future loss of income*: $125,000 *Subrogated OHIP claim*: $79,698	Plaintiff slipped on ice on fire escape. Plaintiff suffered laceration to her scalp, mild traumatic brain injury, burst fracture and transverse process fractures to her lumbar spine, fracture to her thoracic spine, factures and permanent articular cartilage damage in both ankles. Plaintiff continues to suffer from post-traumatic stress disorder, headaches, and ongoing back, leg and foot pain. Unclear if pre-existing depression was aggravated by her injuries.
Ayub	Sun	2015 March 20	[2015] OJ No 1415 Additional reasons re: costs 2015 ONSC 2369	Ont. S.C.J.	Diamond J.	Male 32 years	$25,000	*Future care costs:* $5,000	Plaintiff was in motor vehicle accident. Plaintiff suffered from soft tissue injuries, chronic pain in lower back, knee and ankle. Action dismissed, damages assessed

Foot									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Rothman	Matus	2004 January 20	[2004] O.J. No. 220	S.C.J.	Croll J.	Female 60 years	$55,000.00	Business loss: $50,000.00	MVA. Ongoing pain in knee, leg, foot & neck. Headaches, distinctive limp. PL no longer able to carry out everyday activities such as cooking, cleaning, volunteering in the community, playing with grandchildren, socializing. PL had invested in Internet company she was setting up with son-in-law. Plans fell through as result of accident.
Sorrento	Coffee Time Donuts Inc.	2004 August 6	[2004] O.J. No. 3428	S.C.J.	Hoilett J.	Female 34 years	$25,000.00		Injured her left great toe that was caught on the door while exiting the store. The immediate result of injury was bleeding and pain. Chronic pain. She developed lower back pain.
Daniel-Cuffy	Pereira	2005 August 23	[2005] O.J. No. 3555	S.C.J.	M.R. Dambrot J.	Female 44 years	$150,000.00	*Past loss of income*: $23,000.00 *Future loss of income*: $341,000.00 *Future loss of household services*: $60,510.00	Permanent impairment of right foot as result of MVA
Addison	Trillium Health Center	2005 September 27	[2005] O.J. No. 4155	S.C.J.	Baltman J.	Male 55 years	$22,500.00		Numbness and reduced movement in his foot, suggesting nerve damage that may have resulted from embedded glass. Chronic pain.

Foot									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Henhawk	Brantford (City)	2005 Nov 8	[2005] O.J. No. 5140 Additional reasons at: [2006] O.J. No. 80	S.C.J.	Crane J.	Female 42 Years Old	$60,000	*Loss of Competitive Advantage:* $10,000 *Special damages including subrogated OHIP:* $12,833.78 *Costs:* $34,532.42 plus G.S.T	Plaintiff has sustained four injuries. A laceration to her forehead which resolved within a short time. A fracture of her right wrist and abrasions to her right forearm, which substantially resolved within a relatively short time, a dislocated fracture of the malleolus and fibula which required open reduction, and the most significant of the injuries, a dislocation fracture of the first metatarsal into the joint with the first cuneiform.
Moore (Litigation Guardian of) Appealed: Successful re cost issue. Damages not amended.	Wienecke	2006 February 17 2008 March 6	[2006] O.J. No. 202 2006 CARSWELLONT 974 *amending* 2006 CarswellOnt 284 [2008] O.J. No. 841	S.C.J. Ont. C.A. Toronto ON	Mesbur J. J.C. MacPherson, R.P. Armstrong and G.J. Epstein JJ.A.	Male 35 Years Old	1998 Accident $40,000 2002 Accident $60,000	1998 Accident *Loss of Future Income* $38,854 *Future Care* $3,500 *FLA claims* $1000 for each child 2002 Accident *Loss of future income* $349,689 *Future Care* $31,500 *FLA claims* $2500for each child	Complex case involving 2 separate mva's; first in 1998 and second in 2002; plaintiff had pre-existing brain damage from previous motorcycle accident in 1991 1998 Accident -broke toe -fell down stairs as a result of the toe injury which lead to a knee injury that required surgery -continuing pain in knee and foot 2002 Accident -severe and permanent upper back pain -Grade 2 whiplash disorder

Foot									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Landreau	Tremblay	2007 November 6	[2007] O.J. No. 5529	S.C.J.	R.A. Riopelle J.	Male	$60,000.00		PL injured as a result of a motor vehicle accident. PL sustained a facial laceration, mild concussion, punctured lip, dislocation of four upper teeth, fractures to a top and bottom molar, and injured shins, finger and toe. Plaintiff 35% contributorily negligent for want of care for personal safety.
Tomeh	Cheah	November 14, 2013	[2013] O.J. No. 5177	S.C.J.	Matheson J.	Male 44 years	$30,000	*Loss of income:* $42,367 *Special Shoes:* $2,745 *Family Law Act claim:* wife $5,000	Nerve tumor in plaintiff foot was misdiagnosed as a ganglion cyst. Defendant failed to give plaintiff proper informed consent regarding the surgery which amounted to battery. Plaintiff experienced considerable pain and suffering. Problems with balance, lack of sensation, pain and swelling. Requires regular painkillers.

Foot									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Kania	1618278 Ontario Inc.	2015 December 23	2015 ONSC 7042 262 ACWS (3d) 544 Additional reasons re: costs 265 ACWS (3d) 584	Ont. S.C.J.	G. Valin J.	Female 27 Years	$100,000	*Loss of future earnings:* $50,000 *Special damages:* $5,509 *Future care costs:* $35,900	Plaintiff didn't notice step between levels of patio at a pub. Plaintiff walked off, fracturing navicular bone in right foot. Developed mild to moderate post-traumatic osteoarthritis in foot and suffered from functional limitations associated with pain. These were found to likely be permanent. There existed a substantial possibility that surgical intervention would be required in the future and that ongoing pain medication would be necessary. Plaintiff was a government employee. Injury was found likely to result in loss of competitive advantage due to inability to stand for long periods of time.

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Chesher	Monaghan	S.C.J.: 1999 April 12 Ont. C.A.: May 19, 2000	[1999] O. J. No. 1278; (1999), 93 O.T.C. 369 Ont. C.A.: [2000] O. J. No. 1731; 48 O.R. (3d) 451; 186 D.L.R. (4th) 595; 46 C.P.C. (4th) 1	Ont. C.A. affirming Ont. Gen. Div. Ottawa, Ontario	Ont. Gen. Div.: Kealey J. Ont. C.A.: Austin, Laskin, Borins JJ.A.	Male 30 years	$100,000.00	*Future loss of earnings*: $177,250.00 *Future care costs*: $188,500.00	Medical negligence. Severe knee injury misdiagnosed. Failed to find need for vascular surgery. Leg amputated below knee a/f prolonged hospitalization. 25% chance of leg removal even without negligence. 25% contingency deduction.
Miller	Devenz	2001 October 15	[2001] O.J. No. 4084; [2001] O.T.C. 753	S.C.J. Barrie, Ontario	Hermiston J.	Female 52 years	$90,000.00	*Special damages*: $252,140.00 *Future loss of earnings*: $125,000.00 *Future care costs*: $62,140.00 *Family Law Act claims*: Husband - $15,000.00 *Family Law Act* Son - $2,000.00 *Family Law Act* Grandson - $2,500.00	Serious knee injury. Lateral fibula fracture of left leg. Open reduction and internal fixation of fracture. 5 days hospitalization. 2 knee-joint surgeries. Walked with limp & cane. Chronic pain. Knee would never improve, but degenerate. Unable to work.
Levesque	Levesque	2001 November 15	[2001] O.J. No. 4416; (2001) 151 O.A.C. 227; (2001) 17 M.V.R. (4th) 171	Ont. C.A.	Labrosse, Weiler, Charron JJ.A.	Male	$65,000.00	*Future loss of earnings*: $399,360.00	Permanent disabling injury to knee. ***New trial ordered on issue of liability.***

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Nuttall	Thunder Bay (City of)	2001 February 8 Ont. C.A.: 2002, June 13	[2001] O.J. No. 545; (2001) 17 M.P.L.R. (3d) 290; [2001] O.T.C. 94 Ont. C.A.: [2002] O.J. No. 2387; (2002) 163 O.A.C. 187	Ont. C.A. affirmed S.C.J. (Thunder Bay, Ontario	S.C.J.: McCartney J. Ont. C.A.: Abella, Moldaver, MacPherson JJ.A.	Female 65 years	$40,000.00		Cafeteria employee. Initially diagnosed with undisplaced fracture of left kneecap. Healed satisfactorily. Post-traumatic patello femoral chondromalacia developed. Couldn't continue work. Cast for 6 weeks.
Carere	Cressman	2002 April 16	[2002] O.J. No. 1496, [2002] O.T.C. 258, (2002) 12 C.C.L.T. (3d) 217	S.C.J. Welland, Ontario	Henderson J.	Male 16 years	$225,000.00	*Future loss of earnings*: $949,000.00 *Family Law Act Claims*: Mother - $216,000.00 *Family Law Act Claims* 3 sisters - $20,000.00 $5,000.00, $10,00.00	Cerebral palsy. Doctor's negligence in performing external cephalic version on plaintiff's mother during pregnancy. Underwent many surgeries. Pain in knees, hip, ankle, low back. Bowel problems. Never live independently without supervision. Never competitively employable.

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Ouellette	Hearst (Town)	S.C.J. 2002 October 29 Ont. C.A.: 2004 March 22	[2002] O.J. No. 4139; [2004] O.J. No. 1120 (C.A.);	S.C.J.; Ont. C.A. (Leave to appeal to S.C.C. dismissed with costs)	S.C.J.: Riopelle H. Ont. C.A.: Feldman, MacPherson and Cronk JJ.A.	Male 36 years	$110,000.00	*Past loss of income*: $78,800.00 *Future loss of income* $320,000.00 *Past loss of household services*: $9,000.00 *Future loss of household services* $20,000.00	Top of utility pole broke & fell on PL's vehicle. Knee meniscus tear, chronic knee pain, surgery, expected degenerative changes in the form of osteoarthritis, expected future knee replacement, constant back pain. Pre-existing knee injury. No longer able to perform some of more physically demanding functions of job.
Lesniak	Mississauga (City)	2002 December 6	[2002] O. J. No. 5125	S.C.J. Brampton, Ontario	Van Melle J.	Female 41 years	$55,000.00	*Family Law Act Claim*: Husband - $6,000.00	Trip on mat. Struck right knee on marble floor. Physiotherapy and arthroscopic surgery. Extremely active woman. Crumbling skull plaintiff. Likely future surgery.
Coulter	Liberty Mutual Insurance Co.	2003	2003 CarswellOnt 1874 [2003] OJ No. 2008	S.C.J.	Archibald	Female	$45,000.00 (first MVA) (provisionally) $8,500.00 (second MVA)	*Family Law Act*: Husband- $5,500.00	frequent urinary tract symptoms and infections caused by bruising to abdomen (urethral stenosis), also soft tissue injury to knee, neck and shoulder area – soft tissue injury resolved after first collision urination problem persist – second collision not affect urinary function; low back, left knee, shoulder neck and headaches –low speed impact
Manning	3980 Investments Ltd.	2003 April 28	[2003] O. J. No. 1937	S.C.J. Brampton, Ontario	Belleghem J.	Female 59 Years	$20,000.00		Slip and Fall. Injuries to shoulder and arm. Significant cervical strain, abrasions to knee, mild scarring, and major injury to right shoulder.
Chuhay	Toronto	2003 May 13	[2003] O.J. No. 4552	S.C.J. Toronto, Ontario	Cohen D.J.	Female	$10,000.00		Slip and fall, injured knee, hip, and back, injured unresolved 18 months after accident.

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Ross	Welch (a.k.a. Welsh)	2003 August 1	[2003] O. J. No. 3141	S.C.J. Toronto, Ontario	Wilson J.	Female 43 years	$64,000.00	*Family Law Act claim*: Husband - $8,000.00	Knee deteriorate after surgery, Arthroscopy and debridement on right knee leading to serious complications including reflex sympathetic dystrophy. Patient wouldn't have undergone surgery had she known of risks.
Ernst	Quinonez	2003 September 4	[2003] O.J. No. 4509 [2003] O.J. No. 3781 [2004] O.J. No. 556	S.C.J. Niagara Falls, Ontario	Henderson J.	Male	$25,000.00	punitive damage: $10,000.00	Scrapes and abrasions to forehead, face, chin, arms, and knees; bruises all over body; sore neck; swollen cheek; tingling in fingers; welts on back and legs; chipped 2 teeth; bankart lesion on shoulder that led to subsequent dislocation; shoulder pain expected to continue.
Kapoor	Patterson	2004	[2004] O.J. No. 1211 [2004] O.J. No. 4056	S.C.J.	Wein	Male	$20,000.00		MVA - pains to his right shoulder, knee and thigh, hip and leg injury.
Rothman	Matus	2004 January 20	[2004] O.J. No. 220	S.C.J.	Croll J.	Female 60 years	$55,000.00	Business loss: $50,000.00	MVA. Ongoing pain in knee, leg, foot & neck. Headaches, distinctive limp. PL no longer able to carry out everyday activities such as cooking, cleaning, volunteering in the community, playing with grandchildren, socializing. PL had invested in Internet company she was setting up with son-in-law. Plans fell through as result of accident.

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Legros	Lai	2004 July 9	[2004] O.J. No. 3045	S.C.J.	G.I. Thomson J.	Male 54 years Plaintiff: Male, Wife, Son, daughter	$100,000.00	*Future Loss on Income:* $172,130.00 *Family Law Act:* Wife - $45,000.00 *Family Law Act*: *Son - $7,500.00* *Family Law Act:* daughter - $10,000.00	MVA -- permanent serious impairment to psychological function, moderate brain injury, chronic pain in legs, back, neck & knee and headaches.
Francis	Hassania	2004 November 12	[2004] O.J. No. 4993	S.C.J.	Seppi J.	Female 25 years	$100,000.00	*Future care costs*: $298,975.00 *Loss of earning capacity* $532,131.00	Motor vehicle and pedestrian accident. Disabling chronic pain in knees.
Desbiens	Mordini	2004 November 18	[2004] O.J. No. 4735	S.C.J.	Spiegel J.	Male 56 years	$165,000.00	*Family Law Act:* Wife- $40,000.00 *Future care costs:* $919,400.00	Motor Vehicle/Wheelchair collision -- fractured femur, leg & hip swelling, loss of consciousness, surgery, pressure sore, dizziness, poor memory, sleep disturbance, headaches, back, neck, elbow & knee pain, problems with attention & concentration, emotional distress, severe depression, severe anxiety, chronic back pain; 40% impairment of whole person.

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hornick	Kochinsky	2005 March 29	[2005] O.J. No. 1629	S.C.J. Chatman, Ontario	Thomson J.	Male 39 years	$125,000.00	*Past loss of income*: $14,390.00 *Family Law Act*: wife-$45,000.00 *Family Law Act* Sons- $45,000.00 each	Severe whiplash and brain injury as result of MVA. Ongoing problems with lower back, left shoulder and right knee. Soft tissue injuries. Severe adjustment disorder involving significant anxiety, depression and frustration.
Dahlia Action dismissed. Found no liability but assessed damages nevertheless.	Toronto (City)	2005 April 18	[2005] O.J. No. 6382	Ont. S.C.J.	R.S. Echlin J.	Female 32 years	$35,000.00	*Past loss of income:* $ 1,062.00 *OHIP subrogated claim:* $ 1,515.42	Slip and fall. Fell on knee and leg twisted. Pain in knee, groin, and back. 2 weeks in bed then mobile with crutches. Returned to work after five weeks. Likely suffered a torn meniscus, and might require surgery in the future. Lost some ability to play with and provide guidance to her daughter. Ability to participate in recreational activities was diminished.
Mason	Moore	2005 September 9	[2005] O.J. No. 3799	S.C.J.	W.A. Jenkins J.	Female 48 years	$90,000.00	*Cost of care*: $63,087.00 *Past loss of income*: $43,013.00 *Future loss of income*: $225,675.00 *Family Law Act claim*: Husband-$15,000.00	MVA -- pain, swelling & limitation of movement in both knees, undisplaced fracture of patella, neck & back injuries, pain in neck, back & shoulder, 3 knee injections, aggravation of symptomatic degenerative knee changes, arthroscopic surgery, ongoing headaches & pain in neck and shoulder.
Crichton	Noon	2005 October 11	[2005] O.J. No. 4230	S.C.J. Stratford, Ontario	Searle D.J.	Male	$500.00	*Special Damages*: $366.99	Minor injuries to his arm and knee. Mental distress Emotional harm done to him.

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Moore (Litigation Guardian of) Appealed: Successful re cost issue. Damages not amended.	Wienecke	2006 February 17 2008 March 6	[2006] O.J. No. 202 2006 CARSWELLONT 974 *amending* 2006 CarswellOnt 284 [2008] O.J. No. 841	S.C.J. Ont. C.A. Toronto ON	Mesbur J. J.C. MacPherson, R.P. Armstrong and G.J. Epstein JJ.A.	Male 35 Years Old	1998 Accident $40,000 2002 Accident $60,000	1998 Accident *Loss of Future Income* $38,854 *Future Care* $3,500 *FLA claims* $1000 for each child 2002 Accident *Loss of future income* $349,689 *Future Care* $31,500 *FLA claims* $2500for each child	Complex case involving 2 separate mva's; first in 1998 and second in 2002; plaintiff had pre-existing brain damage from previous motorcycle accident in 1991 1998 Accident -broke toe -fell down stairs as a result of the toe injury which lead to a knee injury that required surgery -continuing pain in knee and foot 2002 Accident -severe and permanent upper back pain -Grade 2 whiplash disorder

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Ondrade No liability - damages calculated but not awarded.	Toronto (City)	2006 May 2	[2006] O.J. No. 1769	S.C.J.	W. Low J.	Male 63 years	$30,000 No liability - damages calculated but not awarded	*OHIP subrogated claim:* $5,000.00	Slip & Fall where the plaintiff suffered a fractured wrist. He also injured his knee and hip resulting in pain. Plaintiff's hip pain was resolved in months. His knee pain was diagnosed as knee synovitis and was determined to be a previous condition which was aggravated by the accident for no more than 6 months. Plaintiff experiences wrist pain, a mild wrist deformity and a 50% reduced grip & pinch strength. The Plaintiff has a chance of developing arthritis. Action dismissed.

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Iacolucci Appealed: Trial decision affirmed.	Fernbrook Homes (Brooklin) Ltd.	2006 July 20 2007 Oct 5	[2006] O.J. No. 5669 [2007] O.J. No. 3863	Ont. S.C.J. Ont. C.A. Toronto ON	H.R. McLean J. K.N. Feldman, R.P. Armstrong and J.L. MacFarland JJ.A.	Female, 56 years	$175,000.00	*Special Damages:* $26,597.00 *OHIP claim:* $20,861.95 *Future OHIP claim:* $32,042.15 *Wage Loss:* $93,403.00 *Future loss of income:* $275,220.00 *Home Renovation:* $53,500.00 *Future Medical costs:* Annual - $85,796.00 One time - $2,575.00	Tibial fracture to right leg. Total knee replacement from which problems occurred. No longer able to work and likely that 2nd knee replacement will be required.
McIntyre	Grigg	2006 November 6	[2006] O.J. No. 4420	Ontario Court of Appeal, Toronto Appeal from Superior Court of Justice	R.R. McMurtry,K.M Weiler, R.A. Blair	Female University student	$250,000	*Punitive* reduced from $100,000 to $20,000 *FLA claims*: $15,000 for each parent and $5000 for sister	Appeal allowed with respect to aggravated damages, *FLA* claims and punitive damages Plaintiff gifted athlete; suffered closed head injury, broken right femur; continued lower back pain, knee, ankle and shin discomfort,

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Aggravated damages of $100,000 disallowed	scarring on leg; brain trauma leading to depression, psychotic episodes, paranoia, two suicide attempts
Thornhill (Litigation Guardian of)	Shadid	2008 January 31 Additional reasons re non-wage benefits, costs, and protected-unprotected defendants and apportionment issues 2008, May 20	[2008] O.J. No. 372 [2008] O.J. No. 2001	S.C.J. Newmarket, Ontario	P.H. Howden J.	Female 30 years	$225,000.00	*Past loss of earnings*: $106,232.00 *Future loss of earnings:* $932,300.00 *Additional loss re surgery:* $23,300.00 *PV of future pension losses:* $29,200.00 *Future care costs:* $481,500.00 *Moving costs:* $17,800.00 *Family Law Act Claims*: Husband - $35,000.00 Son- $25,000.00	Motor vehicle accident. Contusion over her left shoulder, fractured ribs, a fractured right arm, a laceration over her right knee and, most significantly, open fractures to two of the three principal components of her right knee. Orthopaedic surgeons described knee injury as very severe. Serious permanent limitations and arthritic changes in the joint restrict her to part-time sedentary work and few activities. Endured six surgeries. Expected to undertake more over the next two decades.

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Cartner Appeal dismissed. Trial judgment upheld.	Burlington (City)	2008 July 29 2010 June 7	[2008] O.J. No. 2986 [2010] O.J. No. 2404	S.C.J. Ont. C.A. Toronto, Ontario	M.G.J. Quigley J. J.M. Simmons, E.A. Cronk and H.S. LaForme JJ.A.	Female 52 years	$120,000.00	*Special Damages for Loss of Past and Future Income Earning Capacity:* $190,000.00 (Discounted by 10% for a total of $171,000.00) *OHIP Subrogated Claim:* $19,064.01 *Family Law Act Loss of Care, Guidance and Companionship:* Husband – $20,000.00	Slip and fall accident causing a severe fracture to the PL's right femur. PL suffers from continuous knee pain, accelerated osteoarthritis in knees, and required knee replacement surgery. PL could only perform 50% of pre-accident activities. Loss of past and future income damages reduced by 10% for failure to mitigate.
Goody	Costco Wholesale Corp.	2009 July 17	[2009] O.J. No. 3025	S.C.J.	E.R. Kruzick J.	Female 53 years	$50,000.00	*Past Income Loss:* $50,736. 00 *Future Income Loss:* $67,500. 00 *Family Law Act Loss of Care, Guidance and Companionship:* Husband – $7, 500. 00	Trip and fall accident. PL injured both her knees, hip and back. Incident contributed to plaintiff's chondromalacia. 25% damage reduction for pre-existing medical condition (prior knee and back problems). Damages for future income loss reduced by 10% due to uncertainty as to whether plaintiff would work until 65 years of age.

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lawson	Costco Wholesale Canada Ltd.	2010 April 12	[2010] O.J. No. 1457	S.C.J.	J.F. McGarry J.	Female 69 years at trial	$30,000.00	*Special Damages:* $8,000.00 *Cost of Future Care:* $10,000.00	Slip and fall accident causing severe pain in PL's left leg, hip and shoulder. As a result of her injuries, PL requires a left knee brace to assist in standing and walking as well as on-going massage therapy to prevent her shoulder from freezing. PL also became depressed over her lack of recovery from injuries sustained in accident. Pre-existing medical condition prior to accident included suffering from neck problems, migraine headaches and lower back pain.

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.				A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries.
						P1: Female 70 years	P1: $45,000	*P1: Loss of Housekeeping: $3,000* *P1: Special Damages: $250*	P1: stitches to head and leg, cast then crutches, headaches, knee pain.
						P2: Male 37 years	P2: $50,000	*P2:Family Law Act Claim – Wife: $10,000*	P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain.
						P3: Female 30 years	P3: $30,000	*P3: Family Law Act Claim – Husband: $10,000*	P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety.
						P 4: Male 28 years	P4: $60,000	*P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder.
						P5: Male 33 years	P5: $20,000		P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head.
						P6: Male 30 years	P6: $25,000		P6: bruising on mid and low back. Cut to head requiring stitches and

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)									later infected. Cut to left hand. Abrasions to neck and mid-back. Physiotherapy required.
						P7: Female 27 years	P7: $65,000	*P7: Loss of Future Housekeeping: $5,000* *P7: Loss of Past Wages: $320*	P7: pain and discomfort to face, above left eye, along right side, right elbow, lower back. Compression fracture. Open wound injury to right knee and some bruising. Stress and anxiety. Chiropractor required.
						P8: Male 19 years	P8: $20,000		P8: back and knee pain. Cuts on right hand, near thumb of left hand, skull and chin, resulting in scar. Difficulty sleeping and fatigue.
						P9: Female 38 years	P9: $55,000		P9: anxiety/PTSD. Bruising, back pain. Possible compression fracture.
						P10: Male. 14 years	P10: $65,000	*P10: Loss of Future Housekeeping: $5,000*	P10: cuts on head and arm. Bruising on right shoulder, resulting in rotator cuff tendinitis and muscle strain. Lower back pain. Chronic pain. PTSD. Physiotherapy required.
						P11: Female 39 years	P11: $50,000		P11: whiplash. Bruising to lower left leg, upper left arm, tailbone, and one finger. PTSD.
						P12: Female 29 years	P12: $70,000	*P12: Loss of Future Housekeeping: $25,000* *P12: Special Damages: $6,179.08*	P12: pregnant at time of accident. Ankle, neck and lower back pain leading to chronic pain. Physiotherapy required.

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Ivens	Lesperance	2012 July 19	[2012] O.J. No. 3363	Ont. S.C.J.	G.M. Mulligan J.	Male, 41 Years Old	$100,000.00	*Future Income Loss:* $55,000.00 *Past Income Loss:* $56,000.00	Plaintiff in an accident while riding his motorcycle. Left knee fracture, right knee contusion, back injury. Some spinal and neck damage. Suffers from chronic pain, disturbed sleep, and headaches. Prior ankle injuries from a previous motorcycle accident (thin skull). Jury found plaintiff forty-five percent liable for his injuries.
Tennant	Fariba	March 20, 2013	[2013] O.J. No. 1260	S.C.J.	DiTomaso J.	Male 40 years	$65,000	*Pre-judgment interest at rate of 5% per annum from March 20, 2011 to date of judgment:* $ 3,500 *Loss of future housekeeping expenses:* $ 5,143 *Loss of future medical expenses:* $20,000 *Loss of future earning capacity:* $50,000 Costs $24,754.86 all inclusive	Motor vehicle accident. Plaintiff suffered pain in right arm, right shoulder, lower back and left knee. He underwent physiotherapy and took pain medication but had ongoing pain and weakness in right arm, and hand. Lower back improved but continued to be painful. Left knee was in constant pain. He has continuing symptoms of depression that meet the threshold.
Walker	Stratford (City)	December 23, 2013	[2013] O.J. No. 6155	S.C.J.	Bryant J.	Male	$25,000	*Special Damages including subrogated:* OHIP: $2872.18 *Disbursements: $1,390.45*	Slip and fall when stepping off the curb into a pothole/crack. Torn meniscus in right knee.

Knee									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Ayub	Sun	2015 March 20	[2015] OJ No 1415 Additional reasons re: costs 2015 ONSC 2369	Ont. S.C.J.	Diamond J.	Male 32 years	$25,000	*Future care costs:* $5,000	Plaintiff was in motor vehicle accident. Plaintiff suffered from soft tissue injuries, chronic pain in lower back, knee and ankle. Action dismissed, damages assessed

Leg/Loss of Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Chesher	Monaghan	S.C.J.: 1999 April 12 Ont. C.A.: May 19, 2000	[1999] O. J. No. 1278; (1999), 93 O.T.C. 369 Ont. C.A.: [2000] O. J. No. 1731; 48 O.R. (3d) 451; 186 D.L.R. (4^{th}) 595; 46 C.P.C. (4^{th}) 1	Ont. C.A. affirming Ont. Gen. Div. Ottawa, Ontario	Ont. Gen. Div.: Kealey J. Ont. C.A.: Austin, Laskin, Borins JJ.A.	Male 30 years	$100,000.00	*Future loss of earnings*: $177,250.00 *Future care costs*: $188,500.00	Medical negligence. Severe knee injury misdiagnosed. Failed to find need for vascular surgery. Leg amputated below knee a/f prolonged hospitalization. 25% chance of leg removal even without negligence. 25% contingency deduction.
Cottrelle	Gerrard	2001 December 7 2003 October 31	[2001] O. J. No. 5472; [2001] O.T.C. 966 [2003] O.J. No. 4194	S.C.J. London, Ontario Ont C.A. London, Ontario	Leitch J. Abella, Moldaver, Sharpe JJ.A.	Female 54 years	$125,000.00 $125,000.00 (*finding of negligence overturned by court of appeal, assessment of damages not revisited)		Leg amputated below knee a/f development of life-threatening gangrene (arose because of foot infection not diagnosed/treated properly). Pain and itching in stump at time of trial. Self-conscious about prosthesis. Difficult to walk. Unable to swim.

Leg/Loss of Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Greenhalgh	Douro-Dummer (Township)	2009 December 17	[2009] O.J. No. 5438	S.C.J. Peterborough, Ontario	P. Lauwers J.	Female 18 years	$275,000	*Family Law Act:* Mother - $60,000 Father - $30,000 *Loss of Past Income:* $23,000 *Loss of Future Income:* $267,359 *Wheelchair Accessible Renovations:* $247,594 *Special Damages:* $5,000	No liability – damages calculated but not awarded. Alleged negligence for failing to erect a 'No Exit' sign. Severe frostbite resulting in loss of eight fingers and both legs being amputated below the knee. Three months hospitalization. Phantom pain in legs & fingers. Cysts and ongoing pain on residual limbs. Occasional back & hip pain. Damages reduced 75% due to contributory negligence.
Morin	Korkola	2011 March 14 2012 December 11	[2011] O.J. No. 1091 [2012] O.J. No. 5832	Ont. S.C.J. Ont. C.A.	G.M. Mulligan J. K.M. Weiler, R.G. Juriansz, and A. Hoy JJ.A.	Male 15	$75,000	*Future Loss of Income:* $60,000 *Future Cost of Care:* $100,000 *Pecuniary Damgages of mother:* $20,000 *Family Law Act Claim:* *Mother* - $7,500 *Step-Father* - $1,000 *Brother* - $1,000	Orthapedic surgeon gave negligent treatment of broken femur which resulted in additional surgery and osteomyelitis. Will have recurring osteomyelitis throughout his entire life. Damages only awarded for damage which occurred after the negligent treatment. Court of Appeal affirms trial decision.

Leg/Lower Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Clark	Doublerink Arenas Ltd.	2001 May 14	[2001] O.J. No. 1841 [2001] O.T.C. 364	S.C.J. Toronto, Ontario	Pitt J.	Male	$60,000.00		Dislocated left shoulder, nerve damage to left arm. Fractured left tibia and fibula. Pain in neck, shoulders, back, spine, arms and legs. Emotional stress and depression. Insomnia. Predisposed to future problems. Shoulder later re-injured in work-related accident.
Hutchison	Daredevil Park Inc.	2003	2003 CarswellOnt 1480 [2003] OJ No. 1570	S.C.J.	Weekes	Male 49 years	$36,000.00	*Family Law Act Claim* : Wife-$2,800.00 *Family Law Act Claim: son*-$800.00	Broken ankle (fracture of the distal fibula involving the fibular malleolus and a posterior lip fracture of his distal tibia); fractures were displaced – broken while using waterslide result in numbness in foot and toes, tremors in leg.
Rothman	Matus	2004 January 20	[2004] O.J. No. 220	S.C.J.	Croll J.	Female 60 years	$55,000.00	Business loss: $50,000.00	MVA. Ongoing pain in knee, leg, foot & neck. Headaches, distinctive limp. PL no longer able to carry out everyday activities such as cooking, cleaning, volunteering in the community, playing with grandchildren, socializing. PL had invested in Internet company she was setting up with son-in-law. Plans fell through as result of accident.
Gertzbein	Vaughan (City)	2004 February 6	[2004] O.J. No. 4265	S.C.J.	Herman J.	Male 20 years	$15,000.00		Liability not established. Damages calculated but not awarded. Slip & fall on icy sidewalk. Fractured fibula and leg pain. Healed completely in 2 months.

Leg/Lower Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Henhawk	Brantford (City)	2005 Nov 8	[2005] O.J. No. 5140 Additional reasons at: [2006] O.J. No. 80	S.C.J.	Crane J.	Female 42 Years Old	$60,000	*Loss of Competitive Advantage:* $10,000 *Special damages including subrogated OHIP:* $12,833.78 *Costs:* $34,532.42 plus G.S.T	Plaintiff has sustained four injuries. A laceration to her forehead which resolved within a short time. A fracture of her right wrist and abrasions to her right forearm, which substantially resolved within a relatively short time, a dislocated fracture of the malleolus and fibula which required open reduction, and the most significant of the injuries, a dislocation fracture of the first metatarsal into the joint with the first cuneiform.
Flentje	Nichols	2006 September 21	[2006] O.J. No. 3836	S.C.J.	J.A. Blishen J.	Female 24 years	$30,000.00	*Loss of income:* $5,373.00 *Ministry of Health subrogated interest:* $4,731.47 *Special damages:* $353.95	Slip and fall in parking lot. Plaintiff fractured her right leg and ankle. (Comminuted fracture of tibia and a fractured fibular shaft.) Surgery was required to insert a metal plate and screws. Further surgery was required to remove the plate and screws. 35 sutures were required leaving a large scar on the plaintiff's lower leg. Plaintiff continued to limp and experience swelling of her leg.

Leg/Lower Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McIntyre	Grigg	2006 November 6	[2006] O.J. No. 4420	Ontario Court of Appeal, Toronto Appeal from Superior Court of Justice	R.R. McMurtry,K.M Weiler, R.A. Blair	Female University student	$250,000	*Punitive* reduced from $100,000 to $20,000 *FLA claims*: $15,000 for each parent and $5000 for sister *Aggravated damages* of $100,000 disallowed	Appeal allowed with respect to aggravated damages, *FLA* claims and punitive damages Plaintiff gifted athlete; suffered closed head injury, broken right femur; continued lower back pain, knee, ankle and shin discomfort, scarring on leg; brain trauma leading to depression, psychotic episodes, paranoia, two suicide attempts
Landreau	Tremblay	2007 November 6	[2007] O.J. No. 5529	S.C.J.	R.A. Riopelle J.	Male	$60,000.00		PL injured as a result of a motor vehicle accident. PL sustained a facial laceration, mild concussion, punctured lip, dislocation of four upper teeth, fractures to a top and bottom molar, and injured shins, finger and toe. Plaintiff 35% contributorily negligent for want of care for personal safety.
Lazare	Harvey	2008 March 11	[2008] O.J. No. 934	Ont. C.A. Affirming decision by jury at S.C.J.	I. Laskin, S.E. Lang and R.G. Juriansz JJ.A.	Female 21 years	$290,000.00	*Past Income Lost:* $30,000.00 *Family Law Act:* $43,300.00	Lower left leg injury led to a condition called lymphedema, which compromises the lymphatic system in the lower leg.

Leg/Lower Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Skocir	Premier Fitness Clubs (Yorkdale) Inc.	2008 November 7	[2008] O.J. No. 4453	Ontario Superior Court of Justice	D.A. Wilson J.	Female 73 years	General damages: $110,000.00	OHIP: $5,372.15 FLA claim of Husband: $17,500.00 FLA claim of Sons: $12,500.00 each FLA claim of Daughter: $5,000.00 Past housekeeping: $11,250.00 One time care costs: $2,832.24 Present value of future care costs: $30,031.42 Future housekeeping to age 75: $4,190.00	Extensive bruising to her left arm, a gash encircling the left ankle, and a laceration on her right calf in front. During 2 month recovery required the help of family to walk. Use of walker and cane were required in later stages of recovery. Restricted range of movement and chronic pain in her left arm and shoulder. Chronic pain, nerve damage and scaring in legs, ankles, and feet. Crepitus in the right knee. Limited in leisure, social, and household activities. Help required from family in daily activities. Self-conscious of appearance due to visible scaring on legs, ankles, and feet.
Graham	Toronto (City)	2009 September 3	[2009] O.J. No. 4633	S.C.J. Toronto, Ontario	A. Sosna J.	Male	$50,000		No liability – damages calculated but not awarded. Fall causing multiple fractures to left forearm and elbow. Bruising on shin, general tearing and straining of muscles, surgery to insert steel rod into arm and visible 8-9" scar. Damages reduced 50% due to contributory negligence.

Leg/Lower Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lawson	Costco Wholesale Canada Ltd.	2010 April 12	[2010] O.J. No. 1457	S.C.J.	J.F. McGarry J.	Female 69 years at trial	$30,000. 00	*Special Damages:* $8,000.00 *Cost of Future Care:* $10,000.00	Slip and fall accident causing severe pain in PL's left leg, hip and shoulder. As a result of her injuries, PL requires a left knee brace to assist in standing and walking as well as on-going massage therapy to prevent her shoulder from freezing. PL also became depressed over her lack of recovery from injuries sustained in accident. Pre-existing medical condition prior to accident included suffering from neck problems, migraine headaches and lower back pain.
Austin	Bubela	2011 May 31	[2011] O.J. No. 2508	Ont S.C.J.	T. McEwen J.	Female 62	$65,000.00	*Special Damages:* $16,668.29 *OHIP Subrogated Claim:* $9,759.25	Following a Nerve Block procedure the plaintiff developed a serious burn on her right calf which developed to a full thickness necrosis of the majority of the skin in the posterior aspect of the right calf. Was "extremely painful"
McDonald	171185135 Ontario Inc.	2010 December 10	[2010] O.J. No. 5337	Ont S.C.J.	James J.	Female 22	$47,000	*Loss of Income:* $9,588 *OHIP Subrogated Claim:* $10,408.20	Plaintiff was a waitress working at a night club who was injured when a customer fell on a glass table. She sustained a large cut, a severed tibial tendon and is left with a large visible scar on her right leg just above her foot. Convalesence took several months and reports some numbness in her leg

Leg/Lower Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Rogers	Testa	2011 September 29	[2011] O.J. No. 4507	Ont. SCJ	Bryant J.	Male 51 years old at trial, likely 45 at time of incident (2005)	$90,000	*Housekeeping and Transportation: $54,161.84*	After the Plaintiff phoned a Crisis Centre, a police cruiser was dispatched to bring him to a hospital for an involuntary medical assessment. Plaintiff refused transportation in the vehicle and ended up in a police wagon. He kicked the door of the wagon, resulting in a spiral fractured left leg. Court found the police officer driving the vehicle caused the injury due to his negligent driving. Plaintiff had pre-existing mental disability and psychological issues.
Liu	Demasi	2012 July 6	[2012] O.J. No. 3153	Ont. S.C.J.	F.E. Van Melle J.	Male	$30,000.00	*Loss of Income:* $15,000.00 *Future Scar Revision:* $866.00 *Special Damages:* $550.00 *Housekeeping:* Spouse - $2,504.60 *Family Law Act:* Spouse - $3,000.00	Plaintiff was bit several times by defendant's dog. Stitches required on forearm, calf, and flank. Bites were painful and itchy, and left scarring which required revision surgery. Plaintiff suffered anxiety following dog bites, and required a tetanus shot. Plaintiff's finacee was required to take time off work to care for plaintiff.

Leg/Lower Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Klurfeld	Nova Quest Logistics Inc. at al.	March 10, 2014	[2014] O.J. No. 1172	S.C.J.	Fragomeni J.	Male	$125,000	*Future cost earnings:* $799,100.00 *Future Care Costs:* $6,100.00 *Family Law Act claims:* Wife $30,000	Left tibia and fibula fracture, together with a spraining, straining, and tearing of the muscles, tendons, ligaments and nerves throughout his body. The injuries were accompanied by dizziness, shock, anxiety, depression, emotional trauma, chronic pain, insomnia, weakness, diminished energy and stiffness which continue to the present and will continue into the future. Undefended trial.
Levita	Crew	2015 September 1	[2015] OJ No 4559 Additional reasons re: costs 2016 ONSC 98	Ont. S.C.J.	S.E. Firestone J.	Male 36 years	$90,000	*Subrogate insurance claim:* $4,423	Plaintiff was checked into boards playing hockey. Plaintiff suffered from fractures to his right tibia and fibula requiring urgent surgery. Permanent scar is left on his leg. He required assistance with personal care and household chores during recovery. He has had physiotherapy, chiropractic treatment and massage therapy. His left leg is shorter than right leg and may require additional surgery. His hockey skill level is much lower than before. Plaintiff has ongoing, reoccurring nightmares. Damages assessed, action dismissed.

Leg/Whole Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Waterworth (Litigation Guardian of)	Freeman	2001 February 26	[2001] O.J. No. 624	Ont. C.A.	Finlayson, Carthy, Austin JJ.A.	Male 27 years	$250,000.00	*Future loss of earnings*: $647,591.00	Internal abdominal injuries. Closed head injury. Severe fracture of pelvis, left femur and hip. Nerve damage to right hand and elbow. Diminished cognitive skills. Unable to function independently. Eye glasses and speech therapy required.
Dryden (Litigation Guardian of)	Campbell Estate	2001 February 28	[2001] O.J. No. 829; (2001), 11 M.V.R. (4th) 247; (2001), O.T.C. 143	S.C.J. Hamilton, Ontario	Cavarzan J.	Male 13 years	$250,000.00	*Future loss of earnings*: $841,054.00 *Family Law Act claims*: Parents - $50,000.00 each *Family Law Act claims* 2 sisters - $15,000.00 each *Family Law Act claims* Grandfather - $1,500.00	Student. Depressed fracture of skull, subdural hematoma, broken facial bones, injured left eye, fractured left femur. Diabetes insipidus. 24 hour supervision. Unlikely to be competitively employable. Numerous other expenses reimbursed.
Herbison	Wolfe	2002 February 13	[2002] O.J. No. 569; [2002] O.T.C. 127	S.C.J. Brockville, Ontario	Power J.	Male 45 years	$175,000.00		Oil delivery driver. Shot in left leg. Intense pain. Vein taken from right leg & implanted in left. Pain in both legs. 8 months hospitalized. Afterwards, spent day on couch. No sexual relations with wife. Morphine patch worn all the time – caused nausea. Unemployable.

Leg/Whole Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hunt (Litigation Guardian of)	Martin	2002 August 31	[2002] O.J. No. 3227; (2002) 40 C.C.L.I. (3d) 75; [2002] O.T.C. 612	S.C.J. Toronto, Ontario	Chapnick J.	Male 31 years	$85,000.00	*Future loss of income*: $15,000.00. *Family Law Act Claims*: Wife - $25,000.00 *Family Law Act Claims* Son – 47,500.00	Ruptured lumbrosacral disc. Pre-accident operation – lumbar laminectomy and discectomy due to herniation of L5-S1 disc. Same problem after accident. Classic thin skull plaintiff. Lacerations, soft tissue injuries. Residual effect of accident was low back pain and left leg pain. Returned to work 1 month after surgery. Gave up athletics except golf.
Nichols	Young	2002 February 12 2003 November 20	[2002] O. J. No. 515 [2003] O.J. No. 4376	S.C.J. Toronto, Ontario Ont. C.A. Toronto, Ontario	Swinton J. McMurtry C.J.O., Sharpe J.A., and Weiler J.A.	Female 19 years	$100,000.00 (provisionally)	*Future Care Costs*: $99,855.00 (provisionally)	Deep vein thrombosis after taking birth control pills. Post-phlebetic syndrome. Chronic and progressive disease. Intense pain. Inability to sit/stand for long periods. Elevate legs to ease swelling. Conscious about appearance of legs – wore pants. Aspired to be Grade 1 teacher. Action dismissed. Appeal dismissed.
Kapoor	Patterson	2004	[2004] O.J. No. 1211 [2004] O.J. No. 4056	S.C.J.	Wein	Male	$20,000.00		MVA - pains to his right shoulder, knee and thigh, hip and leg injury.

Leg/Whole Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Rothman	Matus	2004 January 20	[2004] O.J. No. 220	S.C.J.	Croll J.	Female 60 years	$55,000.00	Business loss: $50,000.00	MVA. Ongoing pain in knee, leg, foot & neck. Headaches, distinctive limp. PL no longer able to carry out everyday activities such as cooking, cleaning, volunteering in the community, playing with grandchildren, socializing. PL had invested in Internet company she was setting up with son-in-law. Plans fell through as result of accident.
Legros	Lai	2004 July 9	[2004] O.J. No. 3045	S.C.J.	G.I. Thomson J.	Male 54 years Plaintiff: Male, Wife, Son, daughter	$100,000.00	*Future Loss on Income:* $172,130.00 *Family Law Act:* Wife - $45,000.00 *Family Law Act*: Son - $7,500.00 *Family Law Act:* daughter - $10,000.00	MVA -- permanent serious impairment to psychological function, moderate brain injury, chronic pain in legs, back, neck & knee and headaches.
Desbiens	Mordini	2004 November 18	[2004] O.J. No. 4735	S.C.J.	Spiegel J.	Male 56 years	$165,000.00	*Family Law Act:* Wife- $40,000.00 *Future care costs:* $919,400.00	Motor Vehicle/Wheelchair collision -- fractured femur, leg & hip swelling, loss of consciousness, surgery, pressure sore, dizziness, poor memory, sleep disturbance, headaches, back, neck, elbow & knee pain, problems with attention & concentration, emotional distress, severe depression, severe anxiety, chronic back pain; 40% impairment of whole person.

Leg/Whole Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Stroud	Nicholson	2005 August 31	[2005] O.J. No. 3671	S.C.J.	D.R. McDermid J.	Female 54 years	$125,000.00 (provisionally)		MVA -- cervical sprain, skull fracture, closed head injury, bump on head, headaches, nausea, dizziness, intermittent double vision, bruising on shoulder, chest & hip, pain in arm, hand & leg, memory impairments, incoordination & weakness, numbness in 2 fingers, sore ribs, sleep disturbance, fatigue.
Chan	The Erin Mills Town Centre	2005 November 25	[2005] O.J. No. 5027	S.C.J.	J.L. Lax	Male 52	$185,000	*Loss of care and companionship* to wife $50,000 *Care for husband* to wife $60,000 *Medical and rehab expenses* $56,571 *Renovations to house to accomdate* plaintiff $96,858 *Future loss of income* $147,946 *Past lost income* $343,200 *Future care* $720,640	Plaintiff polio survivor with one functional leg before accident Fractured patella of functional left leg, acute back pain post-polio syndrome as result of fall Future care award based on life expectancy of 14 years

Leg/Whole Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McIntyre	Grigg	2006 November 6	[2006] O.J. No. 4420	Ontario Court of Appeal, Toronto Appeal from Superior Court of Justice	R.R. McMurtry,K.M Weiler, R.A. Blair	Female University student	$250,000	*Punitive* reduced from $100,000 to $20,000 *FLA claims*: $15,000 for each parent and $5000 for sister *Aggravated damages* of $100,000 disallowed	Appeal allowed with respect to aggravated damages, *FLA* claims and punitive damages Plaintiff gifted athlete; suffered closed head injury, broken right femur; continued lower back pain, knee, ankle and shin discomfort, scarring on leg; brain trauma leading to depression, psychotic episodes, paranoia, two suicide attempts
Rizzi On appeal from S.C.J. jury trial. General damages re-assessed. Additional reasons re costs: [2008] O.J. No. 2039 Leave to appeal to SCC refused: [2008] C.S.C.R. no 200	Mavros	2008 March 11	[2008] O.J. No. 935	Ont. C.A. Toronto, ON	J.I. Laskin, S.E. Lang and R.G. Juriansz JJ.A.	Female 32 years	$80,000.00 ($41,000.00 at trial)	*Special Damages:* $17,400.00 *Loss of past and future income:* $660,500.00 *Future care costs:* $160,000.00	Complex regional pain syndrome and fibromyalgia, preventing her from working and living active lifestyle she had prior to the accident. Pre-existing wrist injury. Found 75% liable for injuries.

Leg/Whole Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Cartner Appeal dismissed. Trial judgment upheld.	Burlington (City)	2008 July 29 2010 June 7	[2008] O.J. No. 2986 [2010] O.J. No. 2404	S.C.J. Ont. C.A. Toronto, Ontario	M.G.J. Quigley J. J.M. Simmons, E.A. Cronk and H.S. LaForme JJ.A.	Female 52 years	$120,000.00	*Special Damages for Loss of Past and Future Income Earning Capacity:* $190,000.00 (Discounted by 10% for a total of $171,000.00) *OHIP Subrogated Claim:* $19,064.01 *Family Law Act Loss of Care, Guidance and Companionship:* Husband – $20,000.00	Slip and fall accident causing a severe fracture to the PL's right femur. PL suffers from continuous knee pain, accelerated osteoarthritis in knees, and required knee replacement surgery. PL could only perform 50% of pre-accident activities. Loss of past and future income damages reduced by 10% for failure to mitigate.
Bourque	St. Joseph Health Centre	2009 October 2	[2009] O.J. No. 4055	S.C.J.	G.D. Lemon J.	Male 51 years	$35,000		No liability – damages calculated but not awarded. Alleged malpractice. Unspecified post-operative infection, severe ulnar neuropathy, numbness in arms & thumbs, pain in arm & hand, recurring back & leg pain and depression.
Schmor Estate	Weber	2010 January 27	[2010] O.J. No. 837	S.C.J.	C.E. Brown J.	Female 91 years	$50,000	*Family Law Act:* First Daughter - (primary caregiver) $20,000 2nd Daughter - $10,000	Plaintiff hit her head on a protruding trailer hitch. Falls and fractures her hip and wrist. Requires surgery. Suffers pain in hip & wrist, difficulty walking and weakness in arms. Problems ongoing until her death three years later.

Leg/Whole Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Riehl	Hamilton (City)	2012 June 5	[2012] O.J. No. 2491	Ont SCJ	Cavarzan J.	Female 41 years	$75,000	*Past Lost Income: $5,324.64* *OHIP Charges: $1,913.27* *Out-of Pocket Expenses: $255.89* *Past Housekeeping Assistance: $1,200* *Future Wage Loss: $30,000* *Family Law Act Claim – Husband: $1,000* *Costs: Awarded to Plaintiff*	Plaintiff tripped and fell on a roadway. She fractured her tibia, requiring a full leg cast, and loosened her two front teeth. Plaintiff's pre-existing osteo-arthritis accelerated by fall, projected to require future knee replacements. 25% deduction to damages for contributory negligence of Plaintiff.

Leg/Whole Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.				A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries.
						P1: Female 70 years	P1: $45,000	*P1: Loss of Housekeeping: $3,000* *P1: Special Damages: $250*	P1: stitches to head and leg, cast then crutches, headaches, knee pain.
						P2: Male 37 years	P2: $50,000	*P2:Family Law Act Claim – Wife: $10,000*	P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain.
						P3: Female 30 years	P3: $30,000	*P3: Family Law Act Claim – Husband: $10,000*	P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety.
						P 4: Male 28 years	P4: $60,000	*P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder.
						P5: Male 33 years	P5: $20,000		P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head.
						P6: Male 30 years	P6: $25,000		P6: bruising on mid and low back.

Leg/Whole Leg									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)									Cut to head requiring stitches and later infected. Cut to left hand. Abrasions to neck and mid-back. Physiotherapy required.
						P7: Female 27 years	P7: $65,000	*P7: Loss of Future Housekeeping: $5,000* *P7: Loss of Past Wages: $320*	P7: pain and discomfort to face, above left eye, along right side, right elbow, lower back. Compression fracture. Open wound injury to right knee and some bruising. Stress and anxiety. Chiropractor required.
						P8: Male 19 years	P8: $20,000		P8: back and knee pain. Cuts on right hand, near thumb of left hand, skull and chin, resulting in scar. Difficulty sleeping and fatigue.
						P9: Female 38 years	P9: $55,000		P9: anxiety/PTSD. Bruising, back pain. Possible compression fracture.
						P10: Male. 14 years	P10: $65,000	*P10: Loss of Future Housekeeping: $5,000*	P10: cuts on head and arm. Bruising on right shoulder, resulting in rotator cuff tendinitis and muscle strain. Lower back pain. Chronic pain. PTSD. Physiotherapy required.
						P11: Female 39 years	P11: $50,000		P11: whiplash. Bruising to lower left leg, upper left arm, tailbone, and one finger. PTSD.
						P12: Female 29 years	P12: $70,000	*P12: Loss of Future Housekeeping: $25,000* *P12: Special Damages: $6,179.08*	P12: pregnant at time of accident. Ankle, neck and lower back pain leading to chronic pain. Physiotherapy required.

Thigh									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McEwan	Velshi	2001 November 26	[2001] O.J. No. 4625; [2001] O.T.C. 843	S.C.J. Toronto, Ontario	Day J.	Male	$150,000.00 (provisionally)		Severe case of poison ivy. Prescribed prednisone. Recurrence of poison ivy. Pressured doctor to re-prescribe Prednisone. Hop twinges. 4 yrs later, diagnosed of avascular necrosis of femoral heads in both legs. Abandoned sporting activities. Loss of many friends.
Bannon	Thunder Bay (City)	2002 August 20	[2002] O. J. No. 3296; [2002] O.T.C. 622 Varied partly re issue of costs being assessed on a "risk plus premium basis" [2003] O. J. No. 1153	S.C.J. Sault Ste. Marie Varied partly on appeal re issue of costs – Ont. C.A.	Kozak J.	Female 47 years	$85,000.00	*Total Damages*: $103,332.55	Slip & Fall. Supracondylar fracture of right femur, above her knee replacement. Surgery and internal fixation device inserted. Morphine &Percocet administered. Obese. Unable to do work on her own.
Cole	Deep River (Town)	2003 February 21	[2003] O. J. No. 583; (2003) 36 M.P.L.R. (3d) 69	S.C.J. Pembroke, Ontario	Power J.	Female 56 years	$75,000.00		Slip & Fall concrete ramp. Fracture of femur. Open reduction. Internal fixation of femoral shaft and intra-articular fracture. Painful & slow progress. Used crutches & cane. Another surgery to remove hernia, locking screws and internal fixator. Osteoarthritis. Numerous pre-accident medical problems. Activities a/f injury curtailed.
Lamky	1517370 Ontario inc. (c.o.b. Tim Hortons Store No. 2174)	2005 January 6	[2005] O.J. No. 992	S.C.J.	C.R. Harris J.	Female	$8,000.00		Spilled hot beverage -- second degree burns to inside of thigh, scar. DF was noted in default and trial proceeded as assessment of damages.
Schade	Chris	2005 June 8	[2005] O.J. No. 3020	S.C.J. Hamilton, Ontario	Milanetti J.	Female 45 years	$35,000.00	*Special damages*: $3,000.00.00 *Family Law Act*: daughter-$1,500.00.00	Permanent scarring on both the inner aspect of her left arm and her left upper thigh. Fracture to her left humerus bone. Sustained burns to both the inner and outer aspects of her left arm.

Thigh									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Singer Appeal dismissed.	Hamilton (City)	2007 November 5 2009 July 10	[2007] O.J. No. 4250 [2009] O.J. No. 2909	Ont. S.C.J. Hamilton, ON Ont. C.A. Toronto	W.J. Festeryga J J.I. Laskin, R.G. Juriansz and G.J. Epstein JJ.A.	Female, 78 years	$110,000.00 ($45,000.00 of which attributed to psychiatric injuries)	*OHIP: $*21,126.55 *Family Law Act Claims:* Son – $1,500.00 3 Grandchildren – $500.00 each	Badly broken femur. Attempted suicide because of the combination of her grieving the loss of her husband and the fracture of her leg, which caused her pain and immobility. Suffered major depressive episode which is said to have been "triggered" by the fracture. 14 cm scar on right knee. Appeal dismissed.
Vointsev Related Proceeding re. conflict of laws	Irina International Tours Ltd.	2007 December 19 2007 September 24	[2007] O.J. No. 5034 [2007] O.J. No. 3626	Ont. S.C.J.	J.A. Thorburn J.	Male, 57 years	$65,000.00	*Loss of income:* $3,000.00 *Special Damages:* $19,966.54	Slip and fall. Fell off tour bus, hit head and hand, could not get up. Suffered a severe fracture of the left femur, which required open reduction internal fixation surgery. Stitches on his leg and a metal construction was inserted inside his leg and screwed in at the upper and lower ends. Still pain from time to time, cannot do sports, walk with wife and difficulties going up stairs.
Haridge	Ottawa Police Services Board	2011 October 24	[2011] O.J. No. 5760	Ont. SCJ Ont. Small Claims, Ottawa	D. Dwoskin Deputy J.	Male	$5,000		Plaintiff attended a demonstration and, after throwing a paint balloon that splattered paint on police officers, was arrested. Plaintiff brought to cell block. While handcuffed and detained, Plaintiff was assaulted physically and verbally by police officer. Injured thigh. Fearful of future assault. Difficulty sleeping.

Thigh									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Bhatt (Litigation guardian of)	William Beasley Enterprises Ltd.	2015 June 12	2015 ONSC 2168 255 ACWS (3d) 249	Ont. S.C.J.	M. Faieta J.	Male 11 years	$140,000	*Special damages:* $3,112.23 *Future pecuniary:* $30,581 *Future pecuniary (mother & father):* $21,000 *Family Law Act claim (mother & father):* $30,000 each	Plaintiff was struck by an amusement park ride while waiting to board with his father. Plaintiff suffered a fractured right tibia and fibula. Plaintiff suffered from a pre-existing condition: intermediate form of osteogenesis imperfecta and had suffered numerous prior fractures. His right leg was shorter before the accident and even shorter after. Plaintiff's gait changed following the accident and would require corrective surgery once he stopped growing. Plaintiff was found to rely on the use of a walker. A counterclaim against the father for contribution and indemnity was dismissed.

SKIN

Burns									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Bakhtiari	Axes Investment Inc.	2001 November 30	[2001] O.J. No. 4720 (2001) 24 M.P.L.R. (3d) 248, [2001] O. T.C. 855 Additional Reasons: [2003] O. J. No. 158	S.C.J. Toronto, Ontario	Lane J.	Male 20 years	$100,000.00	*Future loss of income*: $377,510.00 *Family Law Act claim*: Brother - $10,000.00	Smoke inhalation. Chemical burn to eyes. Serious injury to plaintiff's mother. Plaintiff suffered from guilt. Psychological problems. Some degree of dementia 5 years earlier than would have been the case. Intellectually capable and got engineering degree but concentration impaired.
Schade	Chris	2005 June 8	[2005] O.J. No. 3020	S.C.J. Hamilton, Ontario	Milanetti J.	Female 45 years	$35,000.00	*Special damages*: $3,000.00.00 *Family Law Act*: daughter- $1,500.00.00	Permanent scarring on both the inner aspect of her left arm and her left upper thigh. Fracture to her left humerus bone. Sustained burns to both the inner and outer aspects of her left arm.
Webb	Weiglein	2006 November 6	[2006] O.J. No. 4443	S.C.J.	J.R.R. Jennings	Female Mid-fifties	$100,000	*Past Income Lost* $85,700 *Future Loss of Earnings* $25,000 *Future Care* $100,000 *Out of pocket expenses* $27,345	Plaintiff suffered severe burns to her abdomen following abdominoplasty (tummy tuck); permanent scarring and some pain

Burns									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Ayana	Skin Klinic	2009 July 29	[2009] O.J. No. 3341	S.C.J.	D.G. Price J.	Female 44 Years	$35,000	*Future Care Costs:* $1,200 *Special Damages:* $695 *Recovery of Cost of Treatments:* $675 *Family Law Act:* Husband - $3,500 Son - $5,000 Daughter - $500	Faulty hair removal procedure causing second degree burns to neck and chin, permanent scarring. Stress and depression, PTSD, heightened sensitivity to scarring due to pre-existing cultural beliefs.
Greenhalgh	Douro-Dummer (Township)	2009 December 17	[2009] O.J. No. 5438	S.C.J. Peterborough, Ontario	P. Lauwers J.	Female 18 years	$275,000	*Family Law Act:* Mother - $60,000 Father - $30,000 *Loss of Past Income:* $23,000 *Loss of Future Income:* $267,359 *Wheelchair Accessible Renovations:* $247,594 *Special Damages:* $5,000	No liability – damages calculated but not awarded. Alleged negligence for failing to erect a 'No Exit' sign. Severe frostbite resulting in loss of eight fingers and both legs being amputated below the knee. Three months hospitalization. Phantom pain in legs & fingers. Cysts and ongoing pain on residual limbs. Occasional back & hip pain. Damages reduced 75% due to contributory negligence.

Burns									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Ramotar	La Fontaine Jeunesse	2010 November 25	[2010] O.J. No. 5069	Ont S.C.J.	Sosna J.	Female 24	$30,000	*Special Damages:* $5,000	Plaintiff suffered burns to her face and neck during a laser hair removal procedure at the defedant's beauty salon. Dermatologist described injury as "post inflammatory hyper pigmentation of face and neck, secondary to burns from laser hair removal". The burns have left scars which has lead to depression, weight gain and social introversion,
Austin	Bubela	2011 May 31	[2011] O.J. No. 2508	Ont S.C.J.	T. McEwen J.	Female 62	$65,000.00	*Special Damages:* $16,668.29 *OHIP Subrogated Claim:* $9,759.25	Following a Nerve Block procedure the plaintiff developed a serious burn on her right calf which developed to a full thickness necrosis of the majority of the skin in the posterior aspect of the right calf. Was "extremely painful"
Toolsieram	2235506 Ontario Inc. (c.o.b. Milton Medical Centre)	2014 Octoer 16	[2014] O.J. No. 5014	Ont. S.C.J.	André J.	Female Adult	$25,000	*Past Expenses:* $596 *Future Care Costs:* $5,000 *Family Law Act: Husband* $1,500	Plaintiff underwent hair removal process on her face. Plaintiff suffered from first and second degree burns that left permanent scarring and impacted her relationship with her husband.

Burns									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Wieslawa Soczek	Jan Soczek and Allstate Insurance Company of Canada	2016 June 3	[2016] O.J. No. 3110	S.C.J	M.D. Faieta J.	Female, 52	$225,000.00	*Aggravated damages*: $100,000.00 *Punitive damages:* $75,000.00 *Past lncome loss*: $232, 479.00 *Future Income Loss:* $426,211.50.00 *Past care costs:* $61,332.83.00 *Future care costs*: $5,427.50.00 for physiotherapy and $2,250.00 for massage	Defendant set plaintiff on fire and stabbed her. Plaintiff suffered third degree burns to 37% of her body, including to her face, chest, hands, fingers, lips, head, arms, ears, shoulders, upper back, neck, and nose. Plaintiff also suffered grade 3 inhalational injury to her lungs, requiring a left chest tube tracheotomy. Her scalp was burned, causing scarring and loss of hair. Both of her eyes were burned, causing damage to her vision. She lost part of her right ear, and also suffered significant hearing loss in that ear. Plaintiff has had more than 30 surgeries for debridement, skin graft surgeries, and reconstructive cosmetic surgeries including a right lower ear lobe reconstruction, right and left neck reconstruction, and left hand web space reconstruction. More surgery will likely be required. Plaintiff suffers from depression, anxiety, nightmares, stress, constant fear, a deep sense of loss, and social anxiety. She has persistent pain and limitation of movement, permanent scarring and disfigurement, permanent physical restrictions, and is permanently unable to work in any capacity.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Farrell (Litigation Guardian of)	1151400 Ontario Inc.	S.C.J.: 1999 November 29 Ont. C.A.: 2001 April 5	S.C.J.: [1999] O. J. No. 4580 Ont. C.A.: [2001] O. J. No. 1349; (2001), 148 O.A.C. 201	Ont. C.A. affirming S.C.J. (Newmarket, Ontario)	S.C.J.: Shaughnessy J. Ont. C.A.: Charron, Rosenberg, Goudge JJ.A.	Female 6 years	$27,000.00	*Family Law Act claims*: Mother - $1,500.00 *Family Law Act claims*: Father - $500.00	Jaguar bite. Deep laceration between thumb & index finger. Multiple abrasions on dorsal aspect of 4 fingers. Deep abrasion on right forearm & elbow area. Permanent scarring on 3 fingers.
Plumley	North York Board of Education	2000 July 6	[2000] O. J. No. 2636; [2000] O.T.C. 514	S.C.J. Toronto, Ontario	Garton J.	Female	$40,000.00	Future loss of income: $10,000.00 *Family Law Act claims*: Mother - $5,000.00 *Family Law Act claims* Sister - $500.00	Injury to shoulder while high school student. Severe pain. Posterior subluxation of shoulder. Underwent arthroscopy and surgery. Scarring to shoulder and arm. Depression. Difficulty reaching for things. Continuous shoulder pain.
Michalak	Oakville (Town)	2000 October 31	[2000] O. J. No. 4466, [2000] O.T.C. 837	S.C.J. London, Ontario	Templeton J.	Female 46 years	$30,000.00	*Family Law Act claims*: Husband - $1,500.00 *Family Law Act claims* 2 sons - $500.0 each	Teacher. Fractured left tibia. Req'd significant surgery. Permanent pins placed in leg. Permanent scarring. Bone density & Cushing's diagnosed in course of surgery. Onset of symptoms pre-dated accident by 2 yrs. Fracture healed well. Able to return to work 4 months post-accident.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Erdelyi	Lafontaine Rish Medical Group Ltd	2001 January 15 2003 November 10 2004 May 6	2001 CarswellOnt 5907 [2003] O.J. No. 4383 [2004] S.C.C.A. No. 1	S.C.J. Ottawa, Ontario Ont. C.A. S.C.C.	Coo J. Armstrong J.A., Feldman J.A., and Gillese J.A. Fish J., Major J., McLachlin C.J.C.	Female 80 years	$25,000.00		Skin peeling procedure on chest and arms left plaintiff with numerous and observable white spots and scars. There was burning and itching of the skin over the chest and arms for a few weeks. Appeal to the Ont. C.A. dismissed. Application to leave at SCC dismissed with costs.
Olsen (Litigation guardian of)	Lakehead Board of Education	2001 February 28	[2001] O. J. No. 1193; [2001] O.T.C. 227	S.C.J. Thunder Bay, Ontario	McCartney J.	Male 15 years	$45,000.00		Student. Comminuted supracondylar/intracondylar fracture of left elbow joint – post traumatic ulnar neuritis. Insertion of plate & screws likely permanent. Many months of physiotherapy. Unable to extend left arm fully. About 40% loss of strength in arm. Scar likely permanent. Chance of arthritis.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Mayburry	Ontario (Liquor Control Board)	2001 April 12	[2001] O.J. No. 1494 [2001] O.T.C. 271, affirmed [2002] O.J. No. 1177 (2002) 163 O.A.C. 192 (C.A.)	S.C.J. Newmarket, Ontario	Boyko J.	Female	$70,000.00	*Future loss of earnings*: $81,540.00. *Family Law Act claim*: Husband - $7,000.00 *Family Law Act Claims* Son - $2,500.00 *Family Law Act Claims* Mother – $1,500.00	Ruptured anterior chamber of left eye. Emergency surgical intervention. Scarring. Could only see by tilting head 180º. 2 additional surgeries and implants required. Psychological trauma. Glaucoma. Further transplants req'd.
Abou-Marie (Litigation Guardian of)	Baskey	2001 October 1	[2001] O.J. No. 4898; 56 O.R. (3d) 360	S.C.J. Toronto, Ontario	Jennings J.	Female 10 years	$100,000.00	*Family Law Act Claims*: Mother - $18,000.00 *Family Law Act Claims* Father - $18,000.00 *Family Law Act Claims* Sister - $8,000.00 *Family Law Act Claims* 2 brothers – $5,000.00 each	Severe closed head injury. Compound fracture of wrist. Scarring. Coma for 13 days. Contusion. Residual intellectual impairment. Re-learn basic skills. Could continue school and university but loss of pre-accident potential. Increased tearfulness, tantrums, and psychological problems.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Matuzich	Lieberman	2002 June 12	[2002] O. J. No. 2811; [2002] O.T.C. 510	S.C.J. Windsor, Ontario	Ferrier J.	Female 21 years	$65,000.00	*Family Law Act claims*: Father & Mother - $3,500.00 each *Family Law Act claims*: Sister - $2,000.00	Surgery for anterior laparoscopic spinal surgery to treat longstanding degenerative disc disease. Major blood vessel cut and bowel ruptured. Complications repaired with lacerations. Spinal surgery never completed. Suffered from small bowel and distended gall bladder. Resumed studies after few months and had surgery. Scar on abdomen.
Warnes	Rooney	2002 June 11 Additional Reasons July 19, 2002	[2002] O. J. No. 3015, [2002] O.T.C. 550 Additional reasons: [2002] O. J. No. 3017, [2002] O.T.C. 550	S.C.J. Goderich, Ontario	Donnelly J.	Female Mother 72 years Female Daughter 49 years	$60,000.00 $50,000.00	*Future loss of income*: $5,000.00 *Family Law Act Claims*: Mother's husband: $1,000.00 *Family Law Act Claims* Daughter's husband: $5,000.00	Vehicle broadsided. Trapped in car. Kept head above water to avoid drowning. Simple fractures. Damage to teeth. Fibromyalgia. Daughter suffered from bruises, scalp laceration, fibromyalgia.
Burton	Daciw	2003	[2003] OJ No. 3941	S.C.J.	Pierce	Female 24 years	$50,000.00	*Loss of future earnings*; $10,000.00 *Punitive Damage*: $10,000.00	permanent facial scar, permanent facial droop; swelling and bruising resolved; headaches for 6 months resolved; struck with beer bottle tossed over shoulder; loss of boxing career.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Walker	Ritchie	2003 January 3	[2003] O.J. No. 18, [2003] O.T.C. 3	S.C.J. Sarnia, Ontario	Brockenshire J.	Female 17 years	$250,000.00	*Loss of interdependent relationship*: $125,000.00 *Future loss of earnings*: $1,421,225 *Family Law Act Claims*: Mother - $65,000.00 *Family Law Act Claims* Father - $50,000.00 *Family Law Act Claims* 3 sisters - $15,000.00 each	Severe traumatic brain damage. 6 week coma. 6 month amnesia. Severe motor disability. Fracture of right ulna, proximal phalanx of left middle finger, small osteochondral chip of bone anteriorly in left ankle. Lacerations of right forehead & right shoulder. Facial droop, dysarthric speech, jerky eye, slow arm movement. Neurologic effect worsens with time. Unable to retain competitive employment.
Lauricella	Hamilton (City)	2003 January 17	[2003] O. J. No. 664; (2003), 35 M.P.L.R. (3d) 183	S.C.J. Simcoe, Ontario	Lofchik J.	Female 18 years	$100,000.00	*Future psychological care*: $8,000.00 *Extra cosmetics & treatment*: $14,500.00 *Teeth veneering*: $500.00 *Family Law Act Claim*: Mother - $15,000.00	Extensive facial injury & lacerations falling off bicycle. Fractured nose. Pulled back appearance. Permanent obstruction of airway. Extensive damage to teeth. Depression. Post-traumatic stress disorder. Low self-esteem. Negative self-image. Four surgeries to repair nose and revise scars. Reduction of damages by 50% damages due to Plaintiffs contributory negligence. Family Law Act is also reduced 50%.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Williams	Mendez	2003 January 23	[2003] O. J. No. 465 Additional reasons: [2003] O. J. No. 473	S.C.J. Newmarket, Ontario	Shaughnessy R.S.J.	Female 39 years	$120,000.00	*Future loss of earnings* $130,931.20	Multiple soft tissue injuries. Injury to arms, elbow, lower back, neck, shoulders. Disfiguring & permanent scars. Neurostimulator malfunctioned. Significant emotional distress. Likely to be permanent. Assistance with all chores. Lessened sports activities.
Manning	3980 Investments Ltd.	2003 April 28	[2003] O. J. No. 1937	S.C.J. Brampton, Ontario	Belleghem J.	Female 59 Years	$20,000.00		Slip and Fall. Injuries to shoulder and arm. Significant cervical strain, abrasions to knee, mild scarring, and major injury to right shoulder.
Kennedy	Jackiewicz	2003 May 13 2004 November 25 2005 April 28	[2003] O.J. No. 1854 [2004] O.J. No. 4816 [2005] S.C.C.A. No. 27	S.C.J. Ontario Ont.C.A S.C.C.	Gravely J. Feldman, Charron, Laskin JJ.A. Abella J., Fish J., Major J.	Female 35 years	$125,000.00	*Family Law Act* Husband-$35,000.00 *Family Law Act* Son 1-$10,000.00 *Family Law Act* Son 2-$5,000.00 *Family Law Act* Son 3- $5,000.00	During surgery to remove ovaries, doctor damaged colon, damages went undetected, increasing pain and nausea, hole in colon, leakage caused sticky, scar-like lesions in abdominal cavity, internal organs stuck together, numerous secondary complications, almost constant pelvic pain, lower back pain, bladder spasm, bladder pain.
Hwang	Ricketts	2004 January 19	[2004] O.J. No. 944	S.C.J.	Echlin J.	Male	$20,000.00	*Punitive damages:* $7,500.00	Altercation in night club. DF struck PL 3-4 times on head. Gash on top of head, laceration from bridge of nose to below eye, 19 stitches to face, 2 staples to 1.5 inch cut on head, one lower eyelid slightly lower than other. Eye stiffness. Ongoing eye problems.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lytle Appeal dismissed	Toronto	2004 April 15 2006 October 2	[2004] O.J. No. 1570 [2006] O.J. No. 3899	S.C.J. Toronto, Ontario Ont. C.A. Toronto, Ontario	Day J. J. Labrosse, J.C. MacPherson and S.E. Lang JJ.A.	Female	$75,000.00	*Past income loss*: $3,111.00 *Taxi service* $353.00 *Family Law Act* Husband- $15,000.00 *Future care*: $35,000.00 Future Loss of income: $10,000.00	Fell on sidewalk, severely injured her elbow. Suffers fracture of right capitellum, which required surgery under general anaesthesia. She has a 9 cm scar. Chronic pain in her right elbow. Range of motion compromised to minor degree. Cannot do heavy lifting, activities requiring full range of elbow motion. Post-traumatic degenerative arthritis in elbow.
Kovacich	St. Joseph's Hospital	2004 October 19	[2004] O.J. No. 4471	S.C.J. Hamilton, Ontario	Whitten J.	Male	$150,000.00		Necrotizing fasciitis after surgery, surgery required, consequences were horrific, lost 30% body weight, lost all of abdominal muscles, containment of internal organs was tenuous, physically deformed, permanently disabled, could no longer pursue sporting activities, physical damage affected mood, relations with others, concentration, performance on intellectual task.
Schaer	White	2004 October 28	[2004] O.J. No. 4619	S.C.J. Barrie, Ontario	Loukidelis J.	Male	$4,000.00		Minor Swelling on head, superficial cut, small scar, cut on left forearm.
Lamky	1517370 Ontario inc. (c.o.b. Tim Hortons Store No. 2174)	2005 January 6	[2005] O.J. No. 992	S.C.J.	C.R. Harris J.	Female	$8,000.00		Spilled hot beverage -- second degree burns to inside of thigh, scar. DF was noted in default and trial proceeded as assessment of damages.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Cowles	Balac	2005 January 27 2006 December 15	[2005] O.J. No. 229 [2006] O.J. No. 4963	S.C.J. Ontario Court ofAppeal	J.L. MacFarland J. D.R. O'Connor A.C.J.O., S. Borins and P.S. Rouleau JJ.A.	Young female and male	Balac: $225,000.00 Cowles: $210,000.00	*Past loss of income:* Balac-$247,053.00 Cowles-$298,528.00 *Future loss of income:* Balac- $1,191.00 Cowles-$250,000.00 *Family Law Act claims*: Cowles's mother-$20,000.00 *Family Law Act claims* Children $10,000 each *Family Law Act claims* Balac's mother $20,000.00 *Family Law Act* claims: Balac's father- $17, *Family Law Act claims*: Balac's sister $12,000.00 *Costs (including disbursements)* $120,000	Paintiffs attacked by tiger in safari park. Cowles: unsightly scars to hip and scalp, and symptoms of PTSD. Balac: disfigured right forearm and also significantly disabled - fine motor skills lost. He also suffered psychologically. Costs endorsed on appeal.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meloche	Bezaire	2005 March 14	[2005] O.J. No. 947	S.C.J. Windsor, Ontario	McGarry J.	Female 54 years	$30,000.00	*Family Law Act Claim*: Husband-$4,000.00	Dog bite wound on calf, forearm, thigh, hip, scratches, bruises, scrapes; left with visible scarring; developed anxiety and fear of dogs.
Schade	Chris	2005 June 8	[2005] O.J. No. 3020	S.C.J. Hamilton, Ontario	Milanetti J.	Female 45 years	$35,000.00	*Special damages*: $3,000.00.00 *Family Law Act*: daughter-$1,500.00.00	Permanent scarring on both the inner aspect of her left arm and her left upper thigh. Fracture to her left humerus bone. Sustained burns to both the inner and outer aspects of her left arm.
R.K. (Kauk) Appeal Dismissed	Dickson	2005 September 1 2008 February 12	[2005] O.J. No. 3633 [2008] O.J. No. 431	S.C.J. Ont C.A. Toronto ON	C.A. Tucker K.N. Feldman, J.L. MacFarland and D. Watt JJ.A.	Female 46	$75,000	*Past income lost* $44,937 *Medication* $1200 *OHIP $4127.10* *Future Psychiatric Treatment* $20,000	Plaintiff sexually and physically assaulted; confined to home for 1 month after assault, depression, suicidal ideation, post traumatic stress disorder, facial scarring

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Fragomeni	Ontario Corp. 1080486	2006 April 12	[2006] O.J. No. 1630	S.C.J.	Baltman J.	Male 71 years Wife - Female 61 years	$90,000	*Family Law Act claims:* Wife - $10,000.00 Children - $2,000.00 each *Prescription drugs, ambulance, parking, etc:* $2,316.79	The plaintiff slipped and fell in a parking lot. He suffered a skull fracture which produced frequent headaches and right-sided weakness for two months. A CT scan revealed a subdural hematoma. After another few months, when conservative treatment did not alleviate his symptoms, he underwent surgical evacuation of the hematoma by means of a burr hole drilled into his skull to effect drainage. This necessitated nine days in hospital and highly invasive surgery, followed by a substantial period of recuperation. Plaintiff was left with a significant and visible scar on his head.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hill No liability - damages calculated but not awarded. Appeal dismissed.	Victoria Hospital Corp.	2007 July 16 2009 January 27	[2007] O.J. No. 2767 [2009] O.J. No. 300	S.C.J. Ont. C.A. Toronto	W.A. Jenkins J. D.R. O'Connor A.C.J.O., E.A. Cronk and E.E. Gillese JJ.A.	Female 54 at trial.	$125,000 No liability - damages calculated but not awarded.	*Special damages:* $11,022.35 *Past loss of income:* $225,000.00 *Future loss of income:* $235,000.00 *Cost of future care:* $100,000.00 *Family Law Act claims:* Husband - $25,000.00 Daughter - $25,000.00 Son 1 - $10,000.00 Son 2 - $10,000.00	Medical malpractice - Following surgery performed by the defendant, the plaintiff developed osteitis pubis, chronic pelvic pain, coccygeal pain, weakness in her legs, bladder dysfunction and more frequent seizures. As a result, she underwent Herschorn-Tile surgeries to remove the mesh inserted by the defendant and to resect her symphasis pubis. Pre-existing conditions - The plaintiff had undergone three cesarean sections, three laparoscopies, a hysterectomy, removal of a cyst from her left ovary, removal of a cyst from her bowel, removal of her right ovary, and removal of her gall bladder. In addition, she suffered from irritable bowel syndrome and epileptic seizures. Action dismissed. Appeal dismissed.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
George Action dismissed. Damages assessed nevertheless.	Covent Garden Market Corp.	2007 July 25	[2007] O.J. No. 2903	Ont. S.C.J.	K.F. Ross J.	Female 57 years	$60,000.00	*Special Damages:* $1,628.05 *Chiropractor:* $ 1,726.25 *Family Law Act Claim:* Husband – $5,000.00 *Family Law Act Claim:* Daughter – $1,500.00	Trip and fall. Injuries to her head - no fractures but sustained a contusion to her forehead and a bruise at the corner of her left eye. Small laceration to her left right and a bruise to her left forearm. Right elbow badly bruised and bruise on left shoulder. Fall made fibromyalgia worse. P had history of several prior fall and a long history of prior physical and psychological health problems. P did not establish on a BoP that the D failed in its statutory duty to take reasonable care.
Goodridge Action dismissed but assessed damages nevertheless.	King	2007 October 30	[2007] O.J. No. 4611	Ont. S.C.J.	T.A. Platana J.	Female 15 years	$55,000.00	*Family Law Act Claim:* Mother – $7,500.00	M.V.A. Blow to head, cut in right shoulder that has scared. Cuts and scratches to right side of face. Memory problems and difficulty traveling in small vehicles unless she is driving. Injury to left wrist and thus cannot do as many sports and must be careful at work as a bartender. Loss of sense of smell and taste but latter is returning in part (however J did not attribute loss of taste or smell to the accident).
Singer Appeal dismissed.	Hamilton (City)	2007 November 5 2009 July 10	[2007] O.J. No. 4250 [2009] O.J. No. 2909	Ont. S.C.J. Hamilton, ON Ont. C.A. Toronto	W.J. Festeryga J J.I. Laskin, R.G. Juriansz and G.J. Epstein JJ.A.	Female, 78 years	$110,000.00 ($45,000.00 of which attributed to psychiatric injuries)	*OHIP: $*21,126.55 *Family Law Act Claims:* Son – $1,500.00 3 Grandchildren – $500.00 each	Badly broken femur. Attempted suicide because of the combination of her grieving the loss of her husband and the fracture of her leg, which caused her pain and immobility. Suffered major depressive episode which is said to have been "triggered" by the fracture. 14 cm scar on right knee. Appeal dismissed.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Landreau	Tremblay	2007 November 6	[2007] O.J. No. 5529	S.C.J.	R.A. Riopelle J.	Male	$60,000.00		PL injured as a result of a motor vehicle accident. PL sustained a facial laceration, mild concussion, punctured lip, dislocation of four upper teeth, fractures to a top and bottom molar, and injured shins, finger and toe. Plaintiff 35% contributorily negligent for want of care for personal safety.
Thornhill (Litigation Guardian of)	Shadid	2008 January 31 Additional reasons re non-wage benefits, costs, and protected-unprotected defendants and apportionment issues 2008, May 20	[2008] O.J. No. 372 [2008] O.J. No. 2001	S.C.J. Newmarket, Ontario	P.H. Howden J.	Female 30 years	$225,000.00	*Past loss of earnings*: $106,232.00 *Future loss of earnings:* $932,300.00 *Additional loss re surgery:* $23,300.00 *PV of future pension losses:* $29,200.00 *Future care costs:* $481,500.00 *Moving costs:* $17,800.00 *Family Law Act Claims*: Husband - $35,000.00 Son- $25,000.00	Motor vehicle accident. Contusion over her left shoulder, fractured ribs, a fractured right arm, a laceration over her right knee and, most significantly, open fractures to two of the three principal components of her right knee. Knee injury very severe. Serious permanent limitations and arthritic changes in the joint restrict her to part-time sedentary work and few activities. Endured six surgeries. Expected to undertake more over the next two decades.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Zhan	Kumar	2008 March 26	[2008] O.J. No. 1102	Ont. S.C.J.	G.D. Lemon J.	Male	$35,000.00	*Economic loss:* $4,000.00	Attacked and bit by defendant's unleashed dog. Suffered multiple lacerations over both cheeks and nose area. Most of the lacerations were superficial and healed well. One laceration on his cheek required stitches and further surgery. Plaintiff underwent lengthy medical treatment, including two operations on his face. Caused depression. P testified that the upset from the injury caused sufficient strain on his marriage that he eventually separated from his wife and daughter and was unable to return to his employment, and as a result closed the store he owned with financial loss.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Kenny	Mastromatteo	2008 June 23	[2008] O.J. No. 2485	S.C.J. Hamilton	T.R. Lofchik J.	Plaintiff 1 -- Female; Plaintiff 2 -- Male	Plaintiff 1: (Sister) $20,000 Plaintiff 2: (Brother) $10,000	Plaintiff 1: *Loss of income:* $20,000.00 *Out-of-pocket expenses:* $1,277.60 *Treatment (present & future):* $2,500.00 Plaintiff 2: *Loss of income:* $10,000.00 *Cost of attendance at trial:* $1,000.00 *Family Law Act claims:* Son of Plaintiff 1 - $ 2,500 Sister of Plaintiff 1 - $1,500.00 (For assisting in care of son)	As a result of an assault, plaintiff 1 suffered pain to her arm, head, neck, shoulders and hip. Plaintiff 1 also suffered from nervous shock and has had psychological sequelae to the assault which required psychiatric treatment. Prior to the assault, plaintiff 1 suffered from degenerative disc disease in her back and had all but recovered from a previous neck and back injury. As a result of the attack, she had a recurrence of pain in her neck, shoulders and mid-back, causing continuous headaches and impaired movement. She has undergone physiotherapy and attends a pain management clinic. Plaintiff 2 suffered lacerations to his face resulting in a small scar. The assault also had a psychological impact on the Plaintiff.
S.L. (*Leskovar* in Westlaw)	N.B. (*Braithwaite* in Westlaw)	2008 October 15	[2008] O.J. No. 4013	Ont. S.C.J.	M.H. Tulloch J.	Male 17 years	$200,000.00	*Punitive Damages:* $50,000.00 *Family Law Act claim*: Mother - $35,000.00	Brutal swarming attack. Skin graft to right arm. Broken nose and right testicle had to be removed. Required 30 stitches to his face, 30-35 stitches to his head, and about 10 stitches to his leg. Pain in head and arm continued 2-3 yrs. Pain in groin not resolved. Unable to maintain regular employment or attend school since the attack.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Skocir	Premier Fitness Clubs (Yorkdale) Inc.	2008 November 7	[2008] O.J. No. 4453	Ontario Superior Court of Justice	D.A. Wilson J.	Female 73 years	General damages: $110,000.00	OHIP: $5,372.15 FLA claim of Husband: $17,500.00 FLA claim of Sons: $12,500.00 each FLA claim of Daughter: $5,000.00 Past housekeeping: $11,250.00 One time care costs: $2,832.24 Present value of future care costs: $30,031.42 Future housekeeping to age 75: $4,190.00	Extensive bruising to her left arm, a gash encircling the left ankle, and a laceration on her right calf in front. During 2 month recovery required the help of family to walk. Use of walker and cane were required in later stages of recovery. Restricted range of movement and chronic pain in her left arm and shoulder. Chronic pain, nerve damage and scaring in legs, ankles, and feet. Crepitus in the right knee. Limited in leisure, social, and household activities. Help required from family in daily activities. Self-conscious of appearance due to visible scaring on legs, ankles, and feet.
Moss	Zaw	2009 March 10	[2009] O.J. No. 1317	S.C.J.	K.D. Coats J.	Male 57 years at trial	$25,000.00		No liability – damages calculated but not awarded. Alleged medical negligence on the part of the defendant doctor regarding bowel and colon surgery. PL unsuccessfully claimed that the bowel surgery was unnecessary and performed without his informed consent. PL left with an approximately eight inch abdominal surgical scar.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Ayana	Skin Klinic	2009 July 29	[2009] O.J. No. 3341	S.C.J.	D.G. Price J.	Female 44 Years	$35,000	*Future Care Costs:* $1,200 *Special Damages:* $695 *Recovery of Cost of Treatments:* $675 *Family Law Act:* Husband - $3,500 Son - $5,000 Daughter - $500	Faulty hair removal procedure causing second degree burns to neck and chin, permanent scarring. Stress and depression, PTSD, heightened sensitivity to scarring due to pre-existing cultural beliefs.
Graham	Toronto (City)	2009 September 3	[2009] O.J. No. 4633	S.C.J. Toronto, Ontario	A. Sosna J.	Male	$50,000		No liability – damages calculated but not awarded. Fall causing multiple fractures to left forearm and elbow. Bruising on shin, general tearing and straining of muscles, surgery to insert steel rod into arm and visible 8-9" scar. Damages reduced 50% due to contributory negligence.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Marchand	Jackiewicz	2010 March 25	[2010] O.J. No. 1195	S.C.J. St. Catharines, Ontario	L.M. Walters J.	Female	$150,000	*Loss of Past Earnings:* $300,000 *Loss of Future Earning:* $100,000 *Family Law Act:* Husband - $30,000 Son - $15,000	No liability – damages calculated but not awarded. Alleged failure to assess potential infection prior to surgery resulting in significant and disfiguring scarring. Subsequent infection, multiple organ failure, toxic shock, heart attack, heart failure, renal failure, 30 days in coma, difficulty eating, weight loss, exacerbation of pre-existing conditions and chronic pain.
Chatterton	Cowan	2010 August 10	[2010] O.J. No. 3395	S.C.J.	P. Lauwers J.	Female 48 years at trial	$8,500	*Costs for Legal Fess:* $2,000 *Disbursements:* $1,215.92 *Loss of Pay:* $143.20 *OHIP Subrogated Claim:* $319.95	PL suffered injuries when bitten and pinned down by a large dog owned by the defendants. The defendants' dog grabbed the PL by her hip with its mouth and pinned her down for approximately five minutes on the ground. PL sustained two tooth puncture wounds to her hip, received a rabies vaccination and administered medication for pain and shock. PL also suffered from emotional trauma which manifested itself into having a fear of dogs, nightmares and trouble sleeping.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Abebe-Deres	VanDaalen	2010 September 22	[2010] O.J. No. 4188	S.C.J.	B.A. Allen J.	Male	$7,500		PL injured as a result of an assault perpetrated by the defendant. PL struck in face and knocked to the ground. When the PL rose from the ground the defendant hit him causing the PL to fall to the ground again. PL suffered a black eye and cuts to his face which required two sutures in his cheek and four sutures in his lip. PL also missed two days from work as a result of his injuries sustained by the assault.
Kent (Litigation Guardian of)	Laverdiere	2011 September 16	[2011] O.J. No. 4185	Ont. SCJ	D.A. Wilson ,J	Female 11 years	$125,000	Future loss of income/ loss of competitive advantage: $100,000 Family Law Act Loss of Care, Guidance and Companionship: Mother – $15,000 Sister – $5,000	Plaintiff, grand-daughter of Defendant, entered dog pen with multiple dogs bred and owned by her grandmother. Dogs attacked. Plaintiff injuries include skin ripped off her leg. Damages reduced by 25% due to contributory negligence by the Defendant.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.				A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries.
						P1: Female 70 years	P1: $45,000	*P1: Loss of Housekeeping: $3,000* *P1: Special Damages: $250*	P1: stitches to head and leg, cast then crutches, headaches, knee pain.
						P2: Male 37 years	P2: $50,000	*P2:Family Law Act Claim – Wife: $10,000*	P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain.
						P3: Female 30 years	P3: $30,000	*P3: Family Law Act Claim – Husband: $10,000*	P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety.
						P 4: Male 28 years	P4: $60,000	*P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder.
						P5: Male 33 years	P5: $20,000		P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head.
						P6: Male 30 years	P6: $25,000		P6: bruising on mid and low back.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)									Cut to head requiring stitches and later infected. Cut to left hand. Abrasions to neck and mid-back. Physiotherapy required.
						P7: Female 27 years	P7: $65,000	*P7: Loss of Future Housekeeping: $5,000* *P7: Loss of Past Wages: $320*	P7: pain and discomfort to face, above left eye, along right side, right elbow, lower back. Compression fracture. Open wound injury to right knee and some bruising. Stress and anxiety. Chiropractor required.
						P8: Male 19 years	P8: $20,000		P8: back and knee pain. Cuts on right hand, near thumb of left hand, skull and chin, resulting in scar. Difficulty sleeping and fatigue.
						P9: Female 38 years	P9: $55,000		P9: anxiety/PTSD. Bruising, back pain. Possible compression fracture.
						P10: Male. 14 years	P10: $65,000	*P10: Loss of Future Housekeeping: $5,000*	P10: cuts on head and arm. Bruising on right shoulder, resulting in rotator cuff tendinitis and muscle strain. Lower back pain. Chronic pain. PTSD. Physiotherapy required.
						P11: Female 39 years	P11: $50,000		P11: whiplash. Bruising to lower left leg, upper left arm, tailbone, and one finger. PTSD.
						P12: Female 29 years	P12: $70,000	*P12: Loss of Future Housekeeping: $25,000* *P12: Special Damages: $6,179.08*	P12: pregnant at time of accident. Ankle, neck and lower back pain leading to chronic pain. Physiotherapy required.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Sica	Doe	2014 March 17	[2014] O.J. No. 1219	Ont. S.C.J.	M.A. Garson J.	Male 35	$35,000	*Subrogated OHIP:* $398 *Subrogated Criminal Injuries Compensation Board:* $4,000	Plaintiff was assaulted. Plaintiff suffered from cut under his eye, bruising to his face and eye, arm and hand. He had headaches, and pain in his neck, shoulder and lower back. He was later diagnosed with ongoing social anxiety, and post-concussion syndrome, which includes severe headaches, blurred vision, fatigue, and loss of appetite. He has a permanent scar under his left eye. Undefended Trial
Toolsieram	2235506 Ontario Inc. (c.o.b. Milton Medical Centre)	2014 Octoer 16	[2014] O.J. No. 5014	Ont. S.C.J.	André J.	Female Adult	$25,000	*Past Expenses:* $596 *Future Care Costs:* $5,000 *Family Law Act: Husband* $1,500	Plaintiff underwent hair removal process on her face. Plaintiff suffered from first and second degree burns that left permanent scarring and impacted her relationship with her husband.
Radmanish	Sulaimankhail	2014 September 19	[2014] O.J. No. 4386	Ont. S.C.J.	Firestone J.	Male 30	$39,900	*Aggravated Damages:* $3,000 *Past Loss of Income:* $23,544	Plaintiff was assaulted three times at his workplace. Plaintiff suffered soft tissue injuries to his neck and shoulder, abrasions on his face, and laceration to his temple. He has been diagnosed with post-tramatic stress disorder. He has bad dreams, flashbacks, occasional headaches, and ongoing pain in his neck and shoulder.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Khelifa Appeal dismissed. Trial judgement affirmed	Ontario Corp. 1358584	2015 February 13 2016 September 23	[2015] O.J. No. 888 2016 ONCA 698	Ont. S.C.J. Ont. C.A.	D.A. Wilson J. John Laskin J.A., K. Feldman J.A., and C.W. Hourigan J.A.	Female 34 years	$175,000	*Future care costs*: $100,000 *Future loss of income*: $125,000 *Subrogated OHIP claim*: $79,698	Plaintiff slipped on ice on fire escape. Plaintiff suffered laceration to her scalp, mild traumatic brain injury, burst fracture and transverse process fractures to her lumbar spine, fracture to her thoracic spine, factures and permanent articular cartilage damage in both ankles. Plaintiff continues to suffer from post-traumatic stress disorder, headaches, and ongoing back, leg and foot pain. Unclear if pre-existing depression was aggravated by her injuries.
Levita	Crew	2015 September 1	[2015] OJ No 4559 Additional reasons re: costs 2016 ONSC 98	Ont. S.C.J.	S.E. Firestone J.	Male 36 years	$90,000	*Subrogate insurance claim:* $4,423	Plaintiff was checked into boards playing hockey. Plaintiff suffered from fractures to his right tibia and fibula requiring urgent surgery. Permanent scar is left on his leg. He required assistance with personal care and household chores during recovery. He has had physiotherapy, chiropractic treatment and massage therapy. His left leg is shorter than right leg and may require additional surgery. His hockey skill level is much lower than before. Plaintiff has ongoing, reoccurring nightmares. Damages assessed, action dismissed.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Thompson	Fisher	2016 May 24	2016 ONSC 3409 266 ACWS (3d) 781	Ont. S.C.J.	M.P. Ebergard J.	Male	$30,000	*Subrogated OHIP claim:* $2,792.23 *Special damages for care:* $5,988	Plaintiff was attacked by the defendant's dog. He fell down stairs while fleeing and struck his head, suffering lacerations to both hands and knee. This resulted in permanent scarring. Plaintiff is now unable to grip heavy items. The loss of daily independence during recovery supported an award greater than that suggested solely from lacerations.
Moretto	Nicolini-Femia	2017 June 27	[2017] O.J. No. 3328	S.C.J	J. Bryan Shaughnessy J.	Female, 15	$45,000.00	*Future cost of care:* $12,500.00 ($10,000.00 for laser treatments and $2,500.00 for sunscreen)	The plaintiff tried to pet family dog at a birthday party. The dog bit her left cheek, lacerating the skin. Plaintiff received ten sutures to close the wound. She will have a permanent scar.
Lawrence	Sugar Daddys	2017 June 15	[2017] O.J. No. 3111	S.C.J	M.J. Donohue J.	Male	$10,000.00		Plaintiff suffered injuries as a result of an assault by a "bouncer" at a bar. Bouncer grabbed plaintiff's shirt and punched him in the face. Plaintiff did not provoke the bouncer. Plaintiff suffered swelling, a laceration to his face, and a non-displaced fracture of the nasal bone. Pain and suffering lasted for two months. The laceration left a permanent scar.

Scars and Lacerations									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Wieslawa Soczek	Jan Soczek and Allstate Insurance Company of Canada	2016 June 3	[2016] O.J. No. 3110	S.C.J	M.D. Faieta J.	Female, 52	$225,000.00	*Aggravated damages*: $100,000.00 *Punitive damages:* $75,000.00 *Past lncome loss*: $232, 479.00 *Future Income Loss:* $426,211.50.00 *Past care costs:* $61,332.83.00 *Future care costs*: $5,427.50.00 for physiotherapy and $2,250.00 for massage	Defendant set plaintiff on fire and stabbed her. Plaintiff suffered third degree burns to 37% of her body, including to her face, chest, hands, fingers, lips, head, arms, ears, shoulders, upper back, neck, and nose. Plaintiff also suffered grade 3 inhalational injury to her lungs, requiring a left chest tube tracheotomy. Her scalp was burned, causing scarring and loss of hair. Both of her eyes were burned, causing damage to her vision. She lost part of her right ear, and also suffered significant hearing loss in that ear. Plaintiff has had more than 30 surgeries for debridement, skin graft surgeries, and reconstructive cosmetic surgeries including a right lower ear lobe reconstruction, right and left neck reconstruction, and left hand web space reconstruction. More surgery will likely be required. Plaintiff suffers from depression, anxiety, nightmares, stress, constant fear, a deep sense of loss, and social anxiety. She has persistent pain and limitation of movement, permanent scarring and disfigurement, permanent physical restrictions, and is permanently unable to work in any capacity.

FATAL INJURIES

Husband									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Stephen Appeal Dismissed	Stawecki	2005 July 8 2006 June 16	[2005] O.J. No. 3027 [2006] O.J. No. 2412	S.C.J. Ont. C.A. Toronto ON	T.D. Little J. R.J. Sharpe, R.G. Juriansz JJ.A. and D. Lane J.	Michael Routledge	Female 61 years	*Family Law Act Claims:* wife- $70,000.00 *Special Damages:* $16,906.96	PL's common-law spouse killed in MVA.
Fish	Shainhouse	2005 October 25	[2005] O.J. No. 4575	S.C.J.	C.J. Horkins J.	Male	Wife	$80,000.00	Liability not established. Damages calculated but not awarded. Failure to detect aortic dissection allegedly resulted in premature death of PL.
Lawrence Estate Appeal dismissed. Trial judgment upheld.	Alexander	2008 March 4 2009 December 8	[2008] O.J. No. 820 [2009] O.J. No. 5238	S.C.J. Ont. C.A. Toronto, Ontario	A.C.R. Whitten J. K.N. Feldman, R.P. Armstrong and G.J. Epstein JJ.A.	Male Husband	Female Wife	*Special Expenses:* $10,000.00 *Family Law Act (Loss of care, guidance and companionship):* $70,000.00 *Dependency Claim and Household Assistance Claim:* $160,000.00	No liability – damages calculated but not awarded. Alleged medical malpractice on the part of the defendant doctor who performed a gall bladder operation on the deceased who later developed jaundice, necrotizing pancreatitis, and septic shock resulting in his death.

Father									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Fish	Shainhouse	2005 October 25	[2005] O.J. No. 4575	S.C.J.	C.J. Horkins J.	Male	3 sons & 1 daughter	*Family Law Act Claims* -Three sons: $25,000.00, 40,000.00, $80,000.00; *Family Law Act Claims* $50,000.00 to daughter	Liability not established. Damages calculated but not awarded. Failure to detect aortic dissection allegedly resulted in premature death of PL.

Husband and Father									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Wei Estate	Dales	2000 July 25	[2000] O. J. No. 2753; (2000), 135 O.A.C. 145	Ont. C.A.	Carthy, Austin, Moldaver JJ.A.	Father and Husband 36 years	Wife – 33 years Daughter – 6 years	*Family Law Act Claims* –wife $75,000.00 *Family Law Act Claims-daughter:* $35,000.00	Wife emigrated from China with him. Supported him throughout his studies.
Ortega	1005640 Ontario Inc.	2002 March 18	[2002] O. J. No. 1196; [2002] O.T.C. 194	S.C.J. Barrie, Ontario	Marchand J.	Father and husband	Wife Child	*Family Law Act Claims: wife-* $20,000.00 (provisionally) *Family Law Act Claims: child-* $25,000.00 (provisionally)	Shot to death outside club parking lot. Common law wife lived in Trinidad. Action dismissed but damages provisionally assessed.
MacMillan	Moreau	2002 April 30	[2002] O. J. No. 1782	S.C.J. Ottawa, Ontario	Cunningham J. (now A.C.J.S.C.J.)	Father 46 years	Wife 3 children	*Family Law Act Claims* $40,000.00 $50,000.00 $35,000.00 $30,000.00 (provisionally)	Massive pulmonary embolism. Wife separated for 3 years. Not close relationship. Action dismissed but damages provisionally assessed.

Husband and Father									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Rupert	Toth	2006 March 7	[2006] O.J. No. 882	S.C.J.	W. Low	Male 68	Son	$3,000	Medical Mal-practice;failed to advise patient of possibility of cancer and to ensure that follow-up appointment occurred -deceased life expectancy determined to be 5-7 years had he received the follow-up appointment -deceased found to be contributorily negligent for failure to book follow-up apointment (50%) *General Damage to Estate* $5,000 *OHIP* $20,000 *Pecuniary loss to wife* $67,741

Husband and Father									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Johnson Appeal allowed re apportionment of liability only.	Milton (Town)	2006 July 28 2008 June 4	[2006] O.J. No. 3232 [2008] O.J. No. 2157	S.C.J. Ont. C.A. Toronto ON	G.E. Taylor M.J. Moldaver, E.A. Cronk and R.A. Blair JJ.A.	Husband	Wife Son (3 at time of father's death) Son from previous marriage	$50,000 $20,000 $5,000 *Economic Dependency loss - wife* $1,035,970 (US) *Economic Dependency loss -* son $64,190(US) *Economic Dependency loss -* son $49,037(US) *General Damage to wife for injuries* $85,000 *Future Care for wife* $65,376(US)	Husband and wife riding on tandem bicycle; lost control of bicycle and Town found liable for accident; husband died as a result of his injuries; wife suffered fractured pelvis and pain continues See fatal injuries for damage awards for death of husband.
Wright	Hannon	2007 January 9	[2007] O.J. No. 53	Ont. S.C.J.	R.S. Echlin J.	Lorne Wright, Male, 54 years	Wife and two daughters of 18 and 14 years	**Wife Barbra:** *Loss of CG&C:* $ 7,500.00 *Funeral Arrangements:* $22,011.72 *Past Pecuniary:* $5,000.00	Fatal M.V.A. Victim and estranged were legally separated for almost 4 years at the time of the accident, divorce was expected to be finalized. Children lived with mother but had strong bond with father. At the time of his death, Deceased did not intend to reconcile or in any way resume providing care, guidance and companionship to his estranged

Husband and Father									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
								Future Pecuniary: $10,000.00 **Daughter - Veronica (18 years):** *Loss of CG&C:* $ 50,000.00 *Past Child Support:* $28,000.00 *Future Child Support:* $45,000.00 **Daughter – Virginia (14 years):** *Loss of CG&C:* $ 50,000.00 *Past Child Support:* $28,000.00 *Future Child Support:* $70,000.00	wife.
Wilson	Beck	2011	[2011] O.J. No. 3175	S.C.J.	J. N. Morissette J.	Male 34 Years		Wife: $85,000 Children (3): $65,000 each Mother: $30,000 Brother: $20,000 Father:	Claim by wife, children and extended family of deceased for medical malpractice damages. Family doctor did not test for a bacterial infection or schedule a follow-up appointment when the deceased came to the doctor with pink eye. Nurses in the emergency room did not record his symptoms when he

Husband and Father									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
								$15,000 All discounted by 25% as contingencies for mortality and morbidity factors	came to the ER with sudden shoulder pain and flu-like symptoms. The ER doctor did not notice the SARS form completed as a result of the flu-like symptoms. The EMS attendants failed to take the deceased to the hospital or take his vital signs when he called 9-1-1 because of shortness of breath. Liability was apportioned 20/20/25/35 per cent for the nurses/EMS/family doctor/emergency room doctor. Loss of support decreased because wife re-married.

Wife									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**

Mother									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Bodnar	Orban	2005	[2005] W.D.F.L. 2253	S.C.J.	Pepall. J	Mother	daughter	*Family Law Act Claims* $30,000.00	Death of mother - severely traumatised by death; treatment for depression and suicidal behaviour as result of trauma
Singleton	Leisureworld Inc.	2008 April 14	[2008] O.J. No. 1447	S.C.J.	P.C. Hennessy J.	Female 77 years	Children Ages 49 to 56 Grandchildren Ages 3 to 22	*Family Law Act claims:* Children - $30,000.00 each (4 children) Grandchildren - $10,000.00 each (6 grandchildren)	77-year-old woman died in nursing home. Children and grandchildren granted default judgment against nursing home.

Wife & Mother									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiffs**	**Damages for loss of care, guidance & companionship**	**Comments**
Adair Litigation Adminis-trator of	Hamilton Health Services Corp.	2005 April 25	[2005] O.J. No. 2180	S.C.J.	C.R. Harris J.	Female 66 years	$50,000.00	*Family Law Act claims*: Husband-$30,000.00 *Family Law Act claims:* Children-$20,000.00 *Family Law Act claims: Two Grandchildren:* $5,000 *Two Grandchildren* $10,000.00 each	Medical malpractice. Delayed & sub-standard diagnosis of bowel obstruction causing malnutrition, surgery, pneumonia infection, candidemia infection causing death, "utterly frightening" abdominal pain. Awareness of prospect of death

Son/Daughter									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Macartney	Islic	2000 January 11	183 D.L.R. (4th) 374, 16 C.C.L.I. (3d) 8, 46 O.R. (3d) 669, 50 M.V.R. (3d) 138 (Ont. C.A.), reversing in part (1996), 29 O.R. (3d) 720 (Gen. Div.)	Ont. C.A.	Morden, Laskin, Rosenberg JJ.A.	19 yr old	Mother – 37 years Father	$25,000.00 $15,000.00	Soft tissue injuries to neck and back. Failure to follow medical advice. Lifestyle not helpful to recovery.
To	Toronto (City) Board of Education	2001 September 6	Court File No.: C30952	Ont. C.A.	Osborne, Austin, Laskin JJ.A.	14 yr old son	Mother Father Sister – 11 years	$100,000.00 $100,000.00 $25,000.00	See – Fatal Injuries/Brother or Sister. Very close relationship with family. Helped father who couldn't read English. Trusted companion and adviser. Mother couldn't have another son. Offered father a divorce because of inability to bear children.
Godin	Yuke	2004 June 14	[2004] O.J. No. 2656	S.C.J. Pembroke, Ontario	Brennan J.	Male 19 years	Father	$80,000.00	Son electrocuted; father had very close affectionate relationship with the deceased; lived together and participated in many recreational activities together; Deceased made significant contributions to household chores and activities.
Osman	629256 Ontario Ltd	2005 June 27	[2005] W.D.F.L. 3359	S.C.J.	Sachs		Son	$80,000.00 for parent $20,000.00 for each 10 siblings $10,000.00 for funeral expenses $100,000.00 punitive damage	Death of son/sibling (stabbing)

Son/Daughter									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Arruda	Scarborough Hospital	2005 July 21	[2005] O.J. No. 3108	S.C.J.	J.R. Sproat J.	Male 34		*Family Law Act* Parents: $40,000 each. Sisters: $10,000 each. ***Future Earnings*** PL parents were 46.7% reliant on deceased, and damages would have been awarded accordingly.	Damages not awarded, but commented upon in *obiter*. Deceased presenting at hospital with chest pains, emergency room physician misdiagnosing ECG as normal -- died shortly thereafter.
Irvine (defendant by counterclaim) Both actions dismissed. Damages assessed nevertheless.	Smith (plaintiff by counterclaim)	2008 February 15	[2008] O.J. No. 547	Ont. S.C.J.	H.A. Rady J.	Son, 18	Claim #1: Father, Irvine (defendant in counterclaim) Claim #2: Smith, (Plaintiff in counterclaim)	Claim #1: Action against defendant dismissed. Damages below assessed for counterclaim. Claim #2: *Past loss of income:* $43,000.00 *Future loss of income:* $300,000.00 *Property Damage to Truck:* $5,000.00 *Family law act claim:* Mother – $7,500.00	Son of the plaintiff (now deceased) began to experience psychiatric symptoms and was not taken to the doctor. The son ran away twice in the same night, the second time which he jumped in front of a truck while walking along the highway and was killed. Claim #1: Plaintiff's argue the driver of the truck did not take reasonable steps to avoid the accident. Liability not found – D acted reasonably. Claim #2: Counter claim: Defendant argues that the father, a medical doctor, should have had his son taken to hospital after the initial psychiatric episodes. Suffers from mild case of post-traumatic stress disorder. Left his job on a road crew and mother claims loss of CG&C.

Son/Daughter									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Fiddler Appeal allowed in part.	Chiavetti	2010 March 19	[2010] O.J. No. 1159	Ont. C.A. Toronto, Ontario	S.T. Goudge, E.A. Cronk and H.S. LaForme JJ.A.	Female Daughter	Mother Father Sister	*Family Law Act:* Mother - *Past Wage Loss:* $22,000.00 *Future Wage Loss:* $6,000.00 per year for 12 years *Loss of care, guidance and companionship:* $200,000.00 (Reduced to $125,000.00 on appeal) Father – *Loss of care, guidance and companionship:* $50,000.00 Sister – *Loss of care, guidance and companionship:* $25,000.00 *Funeral Expenses:* $1,457.96	Fatal MVA. Award to the deceased's mother for loss of care, guidance and companionship was reduced on appeal from $200,000.00 to $125,000.00.

Son/Daughter									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Bush	Friedman	2011 September 22	[2011] O.J. No. 4625	Ont. SCJ	R.D. Reilly, J	Male 39 years	none	Family Law Act Claim – Father: $60,000 Mother: $60,000 Brother: $15,000 Sister: $15,000	Action brought by family of deceased. After indicating phsycial discomfort to family doctor, deceased was examined for potential gastrointestinal issues or food poisoning. After several attempts at diagnosis, died from a brain aneurism. Court found the death was not the result of medical malpractice or negligence, and so Defendants not liable. However Court did recognize damages suffered. As Defendants did not seek costs, none awarded.

Brother/Sister									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Bunting	Li	2000 December 4	[2000] O. J. No. 4592; [2000] O.T.C. 864	S.C.J. Toronto, Ontario	Cameron J.	77 year old	Sister – 81 years	$30,000.00	Close relationship. Unmarried pl. and sister lived together since childhood. Took annual vacations together.
To	To	2001 September 6	Court File No.: C30952	Ont. C.A.	Osborne, Austin, Laskin JJ.A.	14 year old son	Sister – 11 years	$25,000.00	Very close relationship with family. Helped father who couldn't read English. Trusted companion and adviser. Mother couldn't have another son. Offered father a divorce because of inability to bear children.

Brother/Sister									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Fiddler Appeal allowed in part.	Chiavetti	2010 March 19	[2010] O.J. No. 1159	Ont. C.A. Toronto, Ontario	S.T. Goudge, E.A. Cronk and H.S. LaForme JJ.A.	Female Daughter	Mother Father Sister	*Family Law Act:* Mother - *Past Wage Loss:* $22,000.00 *Future Wage Loss:* $6,000.00 per year for 12 years *Loss of care, guidance and companionship:* $200,000.00 (Reduced to $125,000.00 on appeal) Father – *Loss of care, guidance and companionship:* $50,000.00 Sister – *Loss of care, guidance and companionship:* $25,000.00 *Funeral Expenses:* $1,457.96	Fatal MVA. Award to the deceased's mother for loss of care, guidance and companionship was reduced on appeal from $200,000.00 to $125,000.00.

Grandparent									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Fish	Shainhouse	2005 October 25	[2005] O.J. No. 4575	S.C.J.	C.J. Horkins J.	Male	Grandchildren	$20,000.00 each to two grandchildren	Liability not established. Damages calculated but not awarded. Failure to detect aortic dissection allegedly resulted in premature death of PL.
Singleton	Leisureworld Inc.	2008 April 14	[2008] O.J. No. 1447	S.C.J.	P.C. Hennessy J.	Female 77 years	Children Ages 49 to 56 Grandchildren Ages 3 to 22	*Family Law Act claims:* Children - $30,000.00 each (4 children) Grandchildren - $10,000.00 each (6 grandchildren)	77-year-old woman died in nursing home. Children and grandchildren granted default judgment against nursing home.

Grandchild									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Deceased**	**Plaintiff**	**Damages for loss of care, guidance & companionship**	**Comments**
Macartney	Islic	2000 January 11	183 D.L.R. (4th) 374, 16 C.C.L.I. (3d) 8, 46 O.R. (3d) 669, 50 M.V.R. (3d) 138 (Ont. C.A.), reversing in part (1996), 29 O.R. (3d) 720 (Gen. Div.)	Ont. C.A.	Morden, Laskin, Rosenberg JJ.A.	19 year old	Grandmother Grandfather	$3,000.00 $1,000.00	Soft tissue injuries to neck and back. Failure to follow medical advice. Lifestyle not helpful to recovery.

MOST SEVERE INJURIES

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Colbourne	Ticknovich	1999	Trial decision [1997] O.J. No. 1178 (1997) 28 O.T.C. 112, affirmed: [1999] O.J. No. 1911 (1999) 121 O.A.C. 333	Ont. C.A.	Labrosse, Goudge, Finlayson JJ.A.	Male 29 years	$160,000.00	*Future Loss of Income*: $442,725.00	Massive trauma to chest, hip, thigh. Extensive abdominal injuries and ruptures. Broken pelvis. Sacroiliac joint injury. Persisting back pain 8 years after accident. Headaches and depression. Nerve damage. Best course was to re train as teacher in related field.
Desautels	Katimavik	2000 November 24	[2000] O.J. No. 4665[2000] O.T.C. 853	S.C.J. Barrie, Ontario	Eberhard J.	Female	$250,000.00	*Future loss of earnings*: $500,000.00	Left hemiplegia. No functional use of left hand and tremor in right hand. Support required for walking. Tinnitus and headaches. Mild to moderate neurocognitive difficulties. Depression and anxiety. Suicidal.
Robb Estate	Canadian Red Cross Society	2000 Additional reasons February 28, 2001 2001 Additional Reasons 2002	[2000] O. J. No. 2396 152 O.A.C. 60, 90 C.C.L.T. (3d) 131 Additional reasons: 9 C.C.L.T. (3d) 193	S.C.J. Appealed – see C.A.'s decision below. Ont. C.A. Appeal of above S.C.J. decision	E.M. Macdonald J. Macdonald, Catzman, Charron, Osborne JJ.A.	Male "W.R."	$175,000.00 ***Possible award***: $265,000.00		F-IX hemophiliac infected with HIV through blood transfusion. Died 1993 of severe opportunistic infections related to AIDS. At time of death, was blind, deaf and unable to talk. Pre-existing condition of severe hemophilia. Appeal allowed on trial judge's finding of liability. Had C.A. affirmed liability, it would have reduced damages awarded at trial from $300,000.00 to $265,000.00.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Armstrong	Centenary Health Centre	2002 December 20	[2002] O. J. No. 5011	S.C.J. Toronto, Ontario	Brennan J.	Female	$225,000.00	*Future loss of earnings*: $70,030.00 *Future care & homemaker costs*: $404,928.00. *Family Law Act Claims*: Husband - $100,000.00 *Family Law Act Claims* Mother – $30,000.00 *Family Law Act Claims* Son - $30,000.00 *Family Law Act Claims* Sister – $20,000.00 *Family Law Act Claims* Brother - $10,000.00	Failure to diagnose ovarian cancer. Had it been diagnosed, increased life expectancy.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Walker	Ritchie	2003 January 3	[2003] O.J. No. 18, [2003] O.T.C. 3	S.C.J. Sarnia, Ontario	Brockenshire J.	Female 17 years	$250,000.00	*Loss of interdependent relationship*: $125,000.00 *Future loss of earnings*: $1,421,225 *Family Law Act Claims*: Mother - $65,000.00 *Family Law Act Claims* Father - $50,000.00 *Family Law Act Claims* 3 sisters - $15,000.00 each	Severe traumatic brain damage. 6 week coma. 6 month amnesia. Severe motor disability. Fracture of right ulna, proximal phalanx of left middle finger, small osteochondral chip of bone anteriorly in left ankle. Lacerations of right forehead & right shoulder. Facial droop, dysarthric speech, jerky eye, slow arm movement. Neurologic effect worsens with time. Unable to retain competitive employment.
Desbiens	Mordini	2004 November 18	[2004] O.J. No. 4735	S.C.J.	Spiegel J.	Male 56 years	$165,000.00	*Family Law Act:* Wife- $40,000.00 *Future care costs:* $919,400.00	Motor Vehicle/Wheelchair collision -- fractured femur, leg & hip swelling, loss of consciousness, surgery, pressure sore, dizziness, poor memory, sleep disturbance, headaches, back, neck, elbow & knee pain, problems with attention & concentration, emotional distress, severe depression, severe anxiety, chronic back pain; 40% impairment of whole person.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Cowles	Balac	2005 January 27 2006 December 15	[2005] O.J. No. 229 [2006] O.J. No. 4963	S.C.J. Ontario Court ofAppeal	J.L. MacFarland J. D.R. O'Connor A.C.J.O., S. Borins and P.S. Rouleau JJ.A.	Young female and male	Balac: $225,000.00 Cowles: $210,000.00	*Past loss of income:* Balac- $247,053.00 Cowles- $298,528.00 *Future loss of income:* Balac- $1,191.00 Cowles- $250,000.00 *Family Law Act claims*: Cowles's mother- $20,000.00 *Family Law Act claims* Children $10,000 each *Family Law Act claims* Balac's mother $20,000.00 *Family Law Act* claims: Balac's father- $17, *Family Law Act claims*: Balac's sister $12,000.00 *Costs (including disbursements)* $120,000	Paintiffs attacked by tiger in safari park. Cowles: unsightly scars to hip and scalp, and symptoms of PTSD. Balac: disfigured right forearm and also significantly disabled - fine motor skills lost. He also suffered psychologically. Costs endorsed on appeal.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hornick	Kochinsky	2005 March 29	[2005] O.J. No. 1629	S.C.J. Chatman, Ontario	Thomson J.	Male 39 years	$125,000.00	*Past loss of income*: $14,390.00 *Family Law Act*: wife-$45,000.00 *Family Law Act* Sons- $45,000.00 each	Severe whiplash and brain injury as result of MVA. Ongoing problems with lower back, left shoulder and right knee. Soft tissue injuries. Severe adjustment disorder involving significant anxiety, depression and frustration.
Chinsang Jury decision - Motion by defendant for order that plaintiff's injuries were too remote to allow recovery. Motion dismissed.	Bridson	2008 December 17	[2008] O.J. No. 5177	S.C.J.	P.H. Howden J.	Male	$150,000.00	*Past loss of income:* $43,000.00 *Future loss of income:* $800,000.00	Jury decision - Motion by defendant for order that plaintiff's injuries were too remote to allow recovery. Motor vehicle accident - Plaintiff suffered the following injuries: Neck, chest, arm, leg, back, head, brain, memory loss, elevated/increased anxiety, increased depression, arranging/processing of information. Motion dismissed.
Landreau	Tremblay	2007 November 6	[2007] O.J. No. 5529	S.C.J.	R.A. Riopelle J.	Male	$60,000.00		PL injured as a result of a motor vehicle accident. PL sustained a facial laceration, mild concussion, punctured lip, dislocation of four upper teeth, fractures to a top and bottom molar, and injured shins, finger and toe. Plaintiff 35% contributorily negligent for want of care for personal safety.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Millar	Waring	2009 April 14	[2009] O.J. No. 1865	S.C.J.	J.R.H. Turnbull J.	Male 49 years at trial	$185,000.00	*Past Loss of Income:* $43,361.00 *Ministry of Health Cosmetic Surgery:* $17,757.43 *Scar Revision:* $3,500.00 *Rhinoplasty:* $3,710.00 *Loss of Income for two weeks for each procedure* $5,804.00 *Left Upper Eye Lid Blepharoplasty:* $3,000.00 *Work Absence Resulting from Surgical Procedure:* $2,902.27 *Future Home Maintenance Costs:* $20,000.00 *Future Loss of Income:* $300,000.00	PL was a victim of assault when hit in face by sledgehammer causing the loss of his right eye, skull fracture and brain damage. Injuries sustained by the PL from the assault also affected his lateral visual capacity, depth perception, flexibility, short term memory, cognitive abilities, and his balance. PL's family finds him to be more short tempered, increasingly forgetful, frustrated and less socially interactive. PL also required tear duct replacement implants, as well as vocational rehabilitation, counselling and retraining due to limitations imposed upon him as a result of his injuries. Assailant 50% liable for unlawfully causing serious and permanent personal injury to the plaintiff. Adjacent property owner defendant 35% liable for failing to call 911. Plaintiff 15% contributorily negligent for acting in a manner likely to expose himself to physical harm.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Cost of Vocational Training: $1,600.00 *Cost of Retraining:* $5,000.00	
Greenhalgh	Douro-Dummer (Township)	2009 December 17	[2009] O.J. No. 5438	S.C.J. Peterborough, Ontario	P. Lauwers J.	Female 18 years	$275,000	*Family Law Act:* Mother - $60,000 Father - $30,000 *Loss of Past Income:* $23,000 *Loss of Future Income:* $267,359 *Wheelchair Accessible Renovations:* $247,594 *Special Damages:* $5,000	No liability – damages calculated but not awarded. Alleged negligence for failing to erect a 'No Exit' sign. Severe frostbite resulting in loss of eight fingers and both legs being amputated below the knee. Three months hospitalization. Phantom pain in legs & fingers. Cysts and ongoing pain on residual limbs. Occasional back & hip pain. Damages reduced 75% due to contributory negligence.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Marchand	Jackiewicz	2010 March 25	[2010] O.J. No. 1195	S.C.J. St. Catharines, Ontario	L.M. Walters J.	Female	$150,000	*Loss of Past Earnings:* $300,000 *Loss of Future Earning:* $100,000 *Family Law Act:* Husband - $30,000 Son - $15,000	No liability – damages calculated but not awarded. Alleged failure to assess potential infection prior to surgery resulting in significant and disfiguring scarring. Subsequent infection, multiple organ failure, toxic shock, heart attack, heart failure, renal failure, 30 days in coma, difficulty eating, weight loss, exacerbation of pre-existing conditions and chronic pain.
Galka	Stankiewicz	2010 May 17	[2010] O.J. No. 2046	S.C.J.	D.F. Baltman J.	Male 45 years	$225,000	*Loss of Future Income:* $1,500,000 *Future Care Costs:* $1,087,342 (reduced by 15% for contingencies)	An arrow pierced Plaintiff's left eye and lodged into his brain. Suffers from ongoing partial deafness, mobility & cognitive problems. Panic attacks and profound depression. Damages reduced 50% due to contributory negligence.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
James	Harper	2010 August 30	[2010] O.J. No. 4373	Ont. S.C.J.	DiTomaso J.	Male 46	$200,000	*Aggravated Damages:* $10,000 *Lost wages and out-of-pocket expenses:* $21,530.90 *Loss of competitive advantage:* $50,000.00 *Subrogated OHIP claim:* $36,850.19 *Family Law Act Claim (Wife):* $30,000 *Family Law Act Claim (2 children):* $15,000	Defendant struck plaintiff on the right side of the head with a hammer, dragged him across a driveway by his legs, and kicked him repeatedly in the face. General Damages: Serious head trauma resulting in chronic pain causing nausea, headaches causing nausea, up to 25 migraines per month. Plaintiff suffers from dysphasia. Developed extreme sensitivity to cold and must wear hat even in summer. Diagnosed with a significant brain injury with reduced attention span and memory loss. He suffers from irritability, mood swings and depression. He suffers problems with eye-hand co-ordination and positional vertigo. Feels a loss of sensation on the left side of his body and face. Suffers from PTSD, lives in constant fear of reinjuring his head, no longer enjoys sexual intercourse. Aggravated damages: Because of the vicious and the brutal assault plaintiff is entitled to aggravated damages

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Degennaro	Oakville Trafalgar Memorial Hospital	2009 July 2	[2009] O.J. No. 2780	Ont. S.C.J.	D.K. Gray J.	Female 40 Years	$175,000	*Loss of Past Income:* $308,100 *Loss of Future Income:* $793,900 *Future Cost of Care:* $1,680,000 *Family Law Act:* Husband - $65,000 1st Son - $25,000 2nd Son - $25,000	Accident caused by faulty folding bed, resulting in cracked sacrum. Long term pain requiring medications. Fibromyalgia from a later MVA (thin-skull). Condition caused marital stress, strained relationship with children, and was unlikely to improve.
Appeal (by Hospital) allowed in part		2011 April 26	[2011] O.J. No. 1836	Ont. C.A.	H.S. LaForme, Paul Rouleau, David Watt JJ.A.			*Future Cost of Care:* $1,305,000	Trial Judge erred in declaring future cost of care damages as undisputed and failed to critically analyze the value of these damages. C of A analyzed evidence and reduced the damages by $375,000.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
El-Kodhr	Lackie	2015 August 25	[2015] I.L.R. para. M-2853	S.C.J	Roccamo J.	Male	$225,000.00	*Past income loss:* $220, 434.00 *Future loss of income:* $395,593.00 *Future attendant care costs/assisted living:* $1,450,000.00 Future professional services: $424,550.00 *Future housekeeping and home maintenance:* $133,000.00 *Future medication and assistive devices:* $82,429.00 *Interest on damages that jury awarded:* $89,167.81 (5% interest rate)	MVA-The plaintiff suffered catastrophic injuries when his tow truck was rear-ended by the defendant. Prejudgment interest on general damage award was calculated at 5%, plaintiff was required to assign his future income replacement benefit from his SABs insurer only to the age of 60, jury should treat Ontario Drug Benefit Program as contingency only, rather than as certainty, and there should be no assignment to defendant of future payments to be made to plaintiff by SABS insurer for medication, assistive devices and services.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Defendant's appeal allowed.		2017 September 19	[2017] O.J. No. 4828	ONCA	D.H. Doherty, J.L. MacFarland and P.S. Rouleau JJ.A.			On appeal: interest award adjusted to $44,583.90 (2.5% interest rate	*Appeal allowed:* (a) The judgment was reduced by the sum of $44,583.90 to reflect an interest rate of 2.5% on the general damage award. (b) The obligation to assign the income replacement benefits payable by RSA Insurance should continue until the respondant's 64th birthday. (c) The trial judge erred in in failing to instruct jury not to award any sum for drug benefits after plaintiff reached age of 65 because from that age forward, he would suffer no loss because his drug claims would be covered by Ontario Drug Benefit Program. (d) The trial judge erred in not ordering an assignment in relation to the awards for the cost of future medication and assistive devices and future professional services.

Brain damage – Very Severe									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Martin	Listowel Memorial Hospital	2000 November 1	[2000] O. J. No. 4015; 192 D.L.R. (4th) 250, 48 C.P.C. (4th) 195, 51 O.R. (3d) 384, 139 O.A.C. 77	Ont. C.A.	Catzman, Carthy, Feldman JJ.A.	Male Newborn	$250,000.00	*Future loss of earnings*: $285,000.00	Foetus suffered injury during mother's pregnancy or shortly before birth. Now 17 years old. Minimal motor functioning and skills and intellectual cognition. Settlement reached between parties.
Hunt (Litigation Guardian of)	Sutton Group Incentive Realty Inc.	2001 February 5 Ont. C.A.: August 14, 2002	[2001] O. J. No. 374, 52 O.R. (2d) 425 Mtn to discharge jury: [2000] O.J. No. 4163 Ont. C.A.: [2002] O. J. No. 3109; 215 D.L.R. (4th) 193; 60 O.R. (3d) 665; 32 M.V.R. (4th) 45	S.C.J. Barri,e Ontario Ont. C.A.	S.C.J.: Marchand J. Ont. C.A.: Austin, Simmons, Gillese JJ.A.	Male 44 years	$185,000.00	*Future loss of earnings*: $363,978.00 *Future care costs:* $330,000.00	Realtor. Closed head injury. Severe brain damage. Numerous fractures. Prolonged period of post and pre-traumatic amnesia. 3 years after accident, suffered headach.es, depression, neck pains, and dizziness. No long term memory. Speech therapy. Defendants appealed: Ont. C.A. ordered new trial on issues of liability and damages
Waterworth (Litigation Guardian of)	Freeman	2001 February 26	[2001] O.J. No. 624	Ont. C.A.	Finlayson, Carthy, Austin JJ.A.	Male 27 years	$250,000.00	*Future loss of earnings*: $647,591.00	Internal abdominal injuries. Closed head injury. Severe fracture of pelvis, left femur and hip. Nerve damage to right hand and elbow. Diminished cognitive skills. Unable to function independently. Eye glasses and speech therapy required.

Brain damage – Very Severe									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Dryden (Litigation Guardian of)	Campbell Estate	2001 February 28	[2001] O.J. No. 829; (2001), 11 M.V.R. (4th) 247; (2001), O.T.C. 143	S.C.J. Hamilton, Ontario	Cavarzan J.	Male 13 years	$250,000.00	*Future loss of earnings*: $841,054.00 *Family Law Act claims*: Parents - $50,000.00 each *Family Law Act claims* 2 sisters - $15,000.00 each *Family Law Act claims* Grandfather - $1,500.00	Student. Depressed fracture of skull, subdural hematoma, broken facial bones, injured left eye, fractured left femur. Diabetes insipidus. 24 hour supervision. Unlikely to be competitively employable. Numerous other expenses reimbursed.
MacMillan	Ontario (Minister of Transportation and Communications)	2001 May 24	[2001] O.J. No. 1891 (2001) 24 M.V.R. (4th) 15	Ont. C.A.	Goudge, Borins, Sharpe JJ.A.	Female 41 years	$210,000.00	*Pecuniary Special Damages*: $1,961,341.90 *Future Loss of Income* $732,956.00 *Cost of Future Care* 921,347.00 *Family Law Act*: $40,000.00	Pension Development Officer. Fractures to left wrist, skull and sinuses. Closed head injury causing severe behavioural, cognitive and physical problems. Permanent defects 10 years after injury to attention span, visual memory, social judgment. Dissolution of marriage. No longer employable.

Brain damage – Very Severe									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Bartosek (Litigation Guardian of)	Turret Realties Inc.	2001 November 13 2004 March 17 2004 September 30	[2001] O.J. No. 4735 [2004] O.J. No. 1088 [2004} S.C.C.A. No. 202	S.C.J. Brantford,Ontario Ont. C. A. Brampton, Ontario S.C.C. Brampton, Ontario	Kent J. Weiler, Sharpe, Blair JJ.A. Bastarache J., Deschamps J., LeBel J.	Male 6 years Plaintiffs: Mother Sister Brother	$50,000.00	*Pecuniary damages* of $214,000.00 for work as care-giver *Family Law Act*: Mother- $140,800.00 *Family Law Act Claim:* Brother and sister- $97,360.00	Permanent catastrophic injury. Severe brain damage. Loss of fine and gross motor control. Severe attention and memory impairment. Unable to live independently. Unemployable. No intellectual capacity. Coma for 2.5 months, intellectual functioning was in bottom 1% of population.

Brain damage – Very Severe									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Bakhtiari	Axes Investment Inc.	2001 November 30	[2001] O.J. No. 4720 (2001) 24 M.P.L.R. (3d) 248, [2001] O. T.C. 855 Additional Reasons: [2003] O. J. No. 158	S.C.J. Toronto, Ontario	Lane J.	Male 20 years	$100,000.00	*Future loss of income*: $377,510.00 *Family Law Act claim*: Brother - $10,000.00	Smoke inhalation. Chemical burn to eyes. Serious injury to plaintiff's mother. Plaintiff suffered from guilt. Psychological problems. Some degree of dementia 5 years earlier than would have been the case. Intellectually capable and got engineering degree but concentration impaired.
Pilon	Janveaux	2002 May 10	[2002] O. J. No. 2043; (2002), 27 M.V.R. (4th) 24; [2002] O.T.C. 372	S.C.J. North Bay, Ontario	Valin J.	Male	$281,579.00		Intoxication. Motor vehicle accident. Brain damage but amazing recovery. Jury trial. Non-pecuniary award of damages reduced to max limit. Jury verdict challenge dismissed.

Brain damage – Very Severe									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Walker	Ritchie	2003 January 3	[2003] O.J. No. 18, [2003] O.T.C. 3	S.C.J. Sarnia, Ontario	Brockenshire J.	Female 17 years	$250,000.00	*Loss of interdependent relationship*: $125,000.00 *Future loss of earnings*: $1,421,225 *Family Law Act Claims*: Mother - $65,000.00 *Family Law Act Claims* Father - $50,000.00 *Family Law Act Claims* 3 sisters - $15,000.00 each	Severe traumatic brain damage. 6 week coma. 6 month amnesia. Severe motor disability. Fracture of right ulna, proximal phalanx of left middle finger, small osteochondral chip of bone anteriorly in left ankle. Lacerations of right forehead & right shoulder. Facial droop, dysarthric speech, jerky eye, slow arm movement. Neurologic effect worsens with time. Unable to retain competitive employment.
Crawford (Litigation Guardian) Appeal affirmed lower court decision.	Penney et al.	2003 January 15 Additional Reasons – 2003, January 15 2004 September 10	[2003] O.J. No. 89, (2003) 14 C.C.L.T. (3d) 60 Additional Reasons: [2003] O. J. No. 116 [2004] O.J. No. 3669; 26 C.C.L.T. (3d) 246	S.C.J. Ottawa, Ontario (Under appeal) Ont. C.A.	Power J. Labrosse, Sharpe and Cronk JJ.A.	Female *Injury:* Newborn *Trial:* 19 years	$280,000.00	*Future loss of income*: $36,900.00/ yr until age 54 *Family Law Act claims*: Mother & Father - $80,000.00 each $375,000.00 awarded to parents for time spent caring for child	Medical negligence. Very severe brain damage resulting from deprivation of oxygen during birth/delivery. Gestational Diabetes – failure to diagnose. Failure to supervise/ provide proper care/manage high risk pregnancy. Additional awards for nursing care, housing, and medication/living costs. Appeal affirmed lower court decision.

Brain damage – Very Severe									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Legros	Lai	2004 July 9	[2004] O.J. No. 3045	S.C.J.	Platana J.	Male 54 years Plaintiff: Male, Wife, Son, daughter	$100,000.00	*Future Loss on Income: $172,130.00* *Family Law Act: Wife* - $45,000.00 *Family Law Act: Son* - $7,500.00 *Family Law Act: daughter* - $10,000.00	Plaintiff suffered brain tissues affecting attention, retention of memory, integration, higher cortical functions including personality, emotions fundamentally affected; behaviour became socially inappropriate, dependant, depressed shell of former self.
Fragomeni	Ontario Corp. 1080486	2006 April 12	[2006] O.J. No. 2917; [2006] W.D.F.L. 2388	S.C.J.	Baltman J.	Male 69 Years Old	$90,000	Loss of care, guidance, and companionship Wife: $10,000 Children $2,000 each. *Prescription drugs, ambulance, parking, etc.* $2,316.79	P. slipped and fell in parking lot., sustaining skull fracture which required surgery. The skull fracture produced frequent headaches and right-sided weakness for two months until a CT scan revealed the subdural hematoma.
Gordon	Greig	2007 January 23	[2007] O.J. No. 225	Ont. S.C.J.	B.A. Glass J	Male 22 years (Both PLs)	PL 1 - G: $310,000.00 PL 2 - M: $310,000.00	**PL 1 - G:** *Future care*: $8,646,900.00 *Past wage loss:* $15,100.00 *Future wage loss:* $1,871,600.00 *Management fees:* $525,925.00	Motor vehicle accident: PL 1—G: Severe and catastrophic brain injury and upper spinal injury. Bladder and bowel control, sense of smell, sense of taste, sense of hunger, and sense of temperature have been affected by the injuries. Placed in a halo because of upper spine and neck injuries. Requires prescribed medication in order to engage in sexual intercourse. Extreme difficulties with social,

Brain damage – Very Severe									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Family Law Act: Mother - $75,000.00 *Family Law Act:* Father - $75,000.00 **PL 2 - M:** *Special Damages:* $74,713.78 *Past wage loss:* $55,400.00 *Future wage loss:* $2,298,320.00 *Management fees:* $447,164.00 *Future Care:* $8,880,000.00 *Housing Costs:* $374,800.00 *Family Law Act:* Mother - $75,000.00 *Family Law Act:* Father - $60,000.00 *Family Law Act:* Sister – $30,000.00	family and romantic relationships. Memory impacted significantly. Does not enjoy a normal life. PL 2 – M: Paraplegic. Rods inserted to brace his spine. Loss of bladder and bowel control. Underwent stem cell surgery in Portugal. Has made some progress in an intensive rehabilitation program. PL gradually advanced from having no ability to control his lower body, to being able to pull himself up to crawl. Highly unlikely will work at an income-generating career. Changes to the physical layout of the residence of Karen and Peter Morrison were undertaken to make the home more user friendly for Ryan.

Brain damage – Very Severe									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Randall (Litigation guardian of) No liability - damages calculated but not awarded. Appeal allowed. New trial ordered.	Lakeridge Health Oshawa	2009 February 17 2010 July 28	[2009] O.J. No. 683 [2010] O.J. No. 3227	S.C.J. ONCA	B.A. Glass J. Juriansz Gillese LaForme JJ.A.	Male (At birth)	$275,000.00 No liability - damages calculated but not awarded.	*Family Law Act claims:* Father - $60,000.00 Mother - $60,000.00 *Future wage loss:* $1,562, 860.00 *OHIP:* $81,007.34 + $447.57/year in future. *Past Attendant Care:* $300,000.00 *Future care costs:* (See case for extensive list.)	Medical malpractice - At birth plaintiff was deprived of oxygen for several minutes resulting in significant brain damage, cerebral palsy, quadriplegia, developmental disorder & delays, difficulty speaking & walking. The plaintiff also experiences seizures. Life expectancy set to age 65. Action dismissed. Appeal allowed. Trial judge failed to consider the possibility that an earlier delivery by c-section could have prevented injuries to the child.
Millar	Waring	2009 April 14	[2009] O.J. No. 1865	S.C.J.	J.R.H. Turnbull J.	Male 49 years at trial	$185,000.00	*Past Loss of Income:* $43,361.00 *Ministry of Health Cosmetic Surgery:* $17,757.43 *Scar Revision:* $3,500.00 *Rhinoplasty:* $3,710.00 *Loss of Income for two weeks for each procedure* $5,804.00 *Left Upper Eye Lid*	PL was a victim of assault when hit in face by sledgehammer causing the loss of his right eye, skull fracture and brain damage. Injuries sustained by the PL from the assault also affected his lateral visual capacity, depth perception, flexibility, short term memory, cognitive abilities, and his balance. PL's family finds him to be more short tempered, increasingly forgetful, frustrated and less socially interactive. PL also required tear duct replacement implants, as well as vocational rehabilitation, counselling and retraining due to limitations imposed upon him as a result of his injuries. Assailant 50% liable for unlawfully

Brain damage – Very Severe									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Blepharoplasty: $3,000.00 *Work Absence Resulting from Surgical Procedure:* $2,902.27 *Future Home Maintenance Costs:* $20,000.00 *Future Loss of Income:* $300,000.00 *Cost of Vocational Training:* $1,600.00 *Cost of Retraining:* $5,000.00	causing serious and permanent personal injury to the plaintiff. Adjacent property owner defendant 35% liable for failing to call 911. Plaintiff 15% contributorily negligent for acting in a manner likely to expose himself to physical harm.

Brain damage – Very Severe									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Marcoccia (Litigation Guardian of) Appeal allowed in part	Ford Credit Canada Ltd.	2009 April 20	[2009] O.J. No. 1548	Ont. C.A. Toronto, Ontario	M. Rosenberg J.C. MacPherson P.S. Rouleau JJ.A.	Male 20 years	$312,000	*Loss of Past Income:* $5,322 *Loss of Future Income:* $1,384,918 *Future Care Costs:* $13,952,064 *Costs:* $720,000 (reduced to $657,551 on appeal)	MVA causing serious injuries to frontal and temporal lobes. Diminished functioning and enduring physical, psychological, behavioural and emotional impairments that prevent leading a normal life. Appeal reduced the substantial indemnity costs award.

Brain damage – Very Severe									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
MacGregor	Potts	2009 August 27	[2009] O.J. No. 3581	S.C.J. Hamilton, Ontario	J.R. Henderson J.	Male 10 years at trial	$322,792	*Loss of Future Earnings:* $1,300,000 *Family Law Act:* Parents & Grandparents - $695,000 *Attendant Care:* $246,838 *Van Modifications:* $3,238 *Equipment:* $50,000 *Housing Modifications:* $165,000	Medical negligence causing serious injuries at birth. Permanent brain damage and quadriparetic cerebral palsy. Plaintiff will always function as an infant and require intensive attendant care and feeding tube. Prone to seizures and vomiting. Plaintiff's life expectancy is 32 years old.
Cross-Appeal by Plaintiff and Defendant.		2012 April 11	[2012] O.J. No. 1580	Ont. C.A.	Feldman, MacPherson and Hoy JJ.A				Appeal by Plaintiff on basis that future pecuniary damages should be re-assessed. Appeal by Defendant on basis that should not have been found negligent. Both unsuccessful. Damages not amended. Costs awarded to Defendant, at $100,000.
Galka	Stankiewicz	2010 May 17	[2010] O.J. No. 2046	S.C.J.	D.F. Baltman J.	Male 45 years	$225,000	*Loss of Future Income:* $1,500,000 *Future Care Costs:* $1,087,342 (reduced by 15% for contingencies)	An arrow pierced Plaintiff's left eye and lodged into his brain. Suffers from ongoing partial deafness, mobility & cognitive problems. Panic attacks and profound depression. Damages reduced 50% due to contributory negligence.

Brain damage – Very Severe									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Gardner (Litigation Guardian of)	Hann	2011 January 7	[2011] O.J. No. 92	Ont. SCJ	B.A. Allen J		$150,000	*Loss of Future Earnings*: $1,532,243.18 *Loss of Future Housekeeping*: $147,775.68 *Future Cost of Financial Management*: $87,338.72 *Future Loss of Interdependent Relationship*: $66,755.50	Plaintiff suffered brain damage in MVA, as passenger in vehicle driven by Defendant. Jury award.

Brain damage – Very Severe									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Foniciello	Bendall	2016 February 17	2016 ONSC 1119 263 A.C.W.S. (3d) 937	Ont. S.C.J.	J.R. Henderson J.	Male 44 years	$275,000	*Future loss of income:* $524,229 *Past medical expenses:* $51,282 *Future medical expenses:* $1,899,969 *Attendant care expenses:* $765,411 *5% management fee*: *$*175,794 *Future care costs (sister):* $10,543 *Value of services provided (sister):* $122.254 *Family Law Act claim (sister):* $50,000 *Family Law Act claim (mother):* $25,000 *Family Law Act claim (2 children):* $40,000 each child	Welder. MVA (Motorcycle). Plaintiff was semi-conscious for 5 months following the accident. He suffered from a diffuse axonal injury and injury to the frontal and temporal lobes. Plaintiff had no ongoing physical impairments, but did suffer from permanent cognitive, intellectual and behavioural impairments. Plaintiff had ongoing problem with perseveration and anosognosia. He was found to be incapable of gainful employment and to require a caregiver. Future care costs were also awarded to the sister of the injured. She was found to have suffered from traumatic neurosis and psychological counseling was deemed necessary. She was also compensated for the extensive care services that she provided to her brother.

Paraplegia									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
MacLean	Wallace	1999 September 2	[1999] O. J. No. 3220	S.C.J. Toronto, Ontario	Dilks J.	Male 51 years	180,000.00		Medical Negligence. Confined to wheelchair. Chronic pain requiring implantation of morphine pump. Loss of sexual function.
Aminullah	Foroughy	2004 June 11	[2004] O.J. 2485	S.C.J.	Lane J.	Male	$130,000.00	*Past Income Loss:* $194,500.00 *Future Loss Income:* $350,000.00 *Family Law Act:* Wife- $35,000.00 *Family Law Act:* Daughters- $15,000.00 each	Suffered a burst fracture of the L-1 vertebra with marked compression of the spinal cord, incomplete paraplegia, no motor function in the legs, a sensation level at L-3, markedly reduced perineal sensation and reduced anal tone. Reduced sexual function. Required prosthesis to correct a drop foot and was able to walk only with the aid of two canes. Chronic back pain, inability to move the right ankle and foot.
Gordon	Greig	2007 January 23	[2007] O.J. No. 225	Ont. S.C.J.	B.A. Glass J	Male 22 years (Both PLs)	PL 1 - G: $310,000.00 PL 2 - M: $310,000.00	**PL 1 - G:** *Future care*: $8,646,900.00 *Past wage loss:* $15,100.00 *Future wage loss:* $1,871,600.00 *Management fee:* $525,925.00 *Family Law Act:* Mother - $75,000.00 *Family Law Act:*	Motor vehicle accident: PL 1—G: Severe and catastrophic brain injury and upper spinal injury. Bladder and bowel control, sense of smell, sense of taste, sense of hunger, and sense of temperature have been affected by the injuries. Placed in a halo because of upper spine and neck injuries. Requires prescribed medication in order to engage in sexual intercourse. Extreme difficulties with social, family and romantic relationships. Memory impacted significantly. Does not enjoy a normal life. PL 2 – M: Paraplegic. Rods inserted to brace his spine. Loss of bladder and

Paraplegia									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Father - $75,000.00 **PL 2 - M:** *Special Damages:* $74,713.78 *Past wage loss:* $55,400.00 *Future wage loss:* $2,298,320.00 *Management fees:* $447,164.00 *Future Care:* $8,880,000.00 *Housing Costs:* $374,800.00 *Family Law Act:* Mother - $75,000.00 *Family Law Act:* Father - $60,000.00 *Family Law Act:* Sister – $30,000.00	bowel control. Underwent stem cell surgery in Portugal. Has made some progress in an intensive rehabilitation program. PL gradually advanced from having no ability to control his lower body, to being able to pull himself up to crawl. Highly unlikely will work at an income-generating career. Changes to the physical layout of the residence of Karen and Peter Morrison were undertaken to make the home more user friendly for Ryan.

Paraplegia									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Schmor Estate	Weber	2010 January 27	[2010] O.J. No. 837	S.C.J.	C.E. Brown J.	Female 91 years	$50,000	*Family Law Act:* First Daughter - (primary caregiver) $20,000 2nd Daughter - $10,000	Plaintiff hit her head on a protruding trailer hitch. Falls and fractures her hip and wrist. Requires surgery. Suffers pain in hip & wrist, difficulty walking and weakness in arms. Problems ongoing until her death three years later.

Quadriplegia									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Brophy	Turnbore	2000 August 1	[2000] O. J. No. 3020; [2000] O.T.C. 618	S.C.J. Hamilton, Ontario	Scime J.	Male	Was settled	*Construction of home*: $223,259.89 *Replacement Va*n: $47,890.25 *Future care*: $11,000.00 per yr *Loss of income*: $12,000.00 per yr until age 75 *Attendant care*: $36,500.00 *Gardening*: $8,731.61 per year	Fracture at C5-6 site of spinal cord. Risk for accelerated degenerative arthritis of cervical spine, higher risk of respiratory problems, neurogenic bowel, permanent risk for bladder and urinary infections, kidney stones, sexual problems, poikliothermia, hypothermia and hyperreflexia. Plaintiff looked after wife, who suffered from Parkinson's disease, for about 27 yrs.
Trajdos	Bala	2003	[2003] OJ No. 4953	S.C.J.	Panet	Male	$293,780.00	*Family Law Act*- Mother; $65,000.00 *Family Law Act*- Father: $65,000.00 *Family Law Act*- sister and brother (each): $20,000.00	plaintiff born blue with cord wrapped around neck; vacuum extractor used; resuscitated; result in brain damage, cerebral palsy and quadriplegia

Quadriplegia									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Walford (litigation Guardian of) No liability - action dismissed - damages calculated. On appeal re liability. Appeal allowed.	Jacuzzi Canada Ltd	2005 April 8 2007 October 23	[2005] O.J. No. 1376 [2007] O.J. No. 4053	S.C.J. Hamilton, Ontario Ont. C.A.	Cavarzan J. K.N. Feldman, R.A. Blair and P.S. Rouleau JJ.A.	Female 15 years	$302,000.00	*Family Law Act Mother-* $50,000.00 *Family Law Act Father -* $25,000.00 *Family Law Act Brother -* $10,000.00 *Family Law Act Sister -* $10,000.00 *Loss of Future income* $640,000.00 *Home improvement expenses* $52,648.00 *Future Care*: $3,035.000.00	Vertebral fracture and injury to spinal cord causing quadriplegia No liability - action dismissed at trial - damages calculated. Appeal allowed. Contributory negligence at 20 % for plaintiff.

Quadriplegia									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Randall (Litigation guardian of) No liability - damages calculated but not awarded.	Lakeridge Health Oshawa	2009 February 17	[2009] O.J. No. 683	S.C.J.	B.A. Glass J.	Male (At birth)	$275,000.00 No liability - damages calculated but not awarded.	*Family Law Act claims:* Father - $60,000.00 Mother - $60,000.00 *Future wage loss:* $1,562, 860.00 *OHIP:* $81,007.34 + $447.57/year in future. *Past Attendant Care:* $300,000.00 *Future care costs:* (See case for extensive and significant list.)	Medical malpractice - At birth plaintiff was deprived of oxygen for several minutes resulting in significant brain damage, cerebral palsy, quadriplegia, developmental disorder & delays, difficulty speaking & walking. The plaintiff also experiences seizures. Life expectancy set to age 65. Action dismissed.

Quadriplegia									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
MacGregor	Potts	2009 August 27	[2009] O.J. No. 3581	S.C.J. Hamilton, Ontario	J.R. Henderson J.	Male 10 years at trial	$322,792	*Loss of Future Earnings:* $1,300,000 *Family Law Act:* Parents & Grandparents - $695,000 *Attendant Care:* $246,838 *Van Modifications:* $3,238 *Equipment:* $50,000 *Housing Modifications:* $165,000	Medical negligence causing serious injuries at birth. Permanent brain damage and quadriparetic cerebral palsy. Plaintiff will always function as an infant and require intensive attendant care and feeding tube. Prone to seizures and vomiting. Plaintiff's life expectancy is 32 years old.
Cross-Appeal by Plaintiff and Defendant.		2012 April 11	[2012] O.J. No. 1580	Ont. C.A.	Feldman, MacPherson and Hoy JJ.A				Appeal by Plaintiff on basis that future pecuniary damages should be re-assessed. Appeal by Defendant on basis that should not have been found negligent. Both unsuccessful. Damages not amended. Costs awarded to Defendant, at $100,000.

Quadriplegia									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Musselman	875667 Ontario Inc. (c.o.b. Cities Bistro)	2010	[2010] O.J. No. 2325	S.C.J.	R.D. Reilly J.	Female 71 years	$326,000 *Family Law Act:* Husband - $85,000 Daughter 1 - $30,000 Daughter 2 - $48,000 Son - $48,000 Grand-daughter - $22,000 Grand-son - $5,000	*Future Care:* $1,000,000 *Special Damages:* $828,000 *Family Law Act:* Husband - $100,000 (*Loss of Household Services)* $670,000 (*Special Damages*) $85,000 (*Loss of Care and Companionship*) Daughter 1 - $56,453 (*Special Damages*) Daughter 2 - $17,597 (*Special Damages*) Son - $48,000 (*Special Damages*)	Slip and fall. Dangerous stair conditions. Serious fracture of the second cervical vertebrae causing quadriplegia. Life expectancy halved.
Appealed by Plaintiff.		2012 January 24	[2012] O.J. No. 649	Ont. C.A.	Doherty, LaForme and Hoy JJ.A				Appeal on basis that trial judge should have considered Defendant to be an occupier, potentially increasing the damage award. Unsuccessful. Damages not amended. Costs awarded to Defendant at $25,000.

Quadriplegia									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Saisho	Loblaw Cos.	2014 March 26	[2014] O.J. No. 1475	Ont. S.C.J.	F.B. Fitzpatrick J.	Male 90 years	$160,000	*Subrogated claim from OHIP: $262,601.10* *Family Law Act Claim*: Wife $55,000	Plaintiff was struck by a shopping cart. Damage to his cervical column rendered him a spastic quadriplegic, made it difficult to breath significantly increasing risk for death by aspiration, and more susceptable to blood clots. Catheterized bladder increased risk of infection. Plaintiff required assistance for every aspect of daily living, suffered from cramps, had difficulty sleeping and was constantly frustrated and scared. He remained in the hospital for two years until his death. Pre-existing hypertension and narrowing of the cervical spine would have put him wheelchair bound for the future but not as a quadriplegic.

MISCELLANEOUS

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Bonfoco	Dowd	2000 October 17	[2000] O.J. No. 3799; 136 O.A.C. 339	Ont. C.A.	Carthy, Austin, Goudge JJ.A.	Female	$28,000.00		Forced to undergo 2nd surgical procedure to remove 2 improperly placed sutures blocking her ureter.
Higgins Estate	Security One Alarm Systems Ltd.	2001 May 31	[2001] O.J. No. 2447; [2001] O.T.C. 466	S.C.J. Windsor, Ontario	Daudlin J.	Female 76 years	$55,000.00		Stroke. Immobilized in bed for 24 – 48 hours. Pain in right arm, chest, hand, hip. Surgery to remove areas of necrosis in right chest. Psychological trauma as a result of being trapped in apartment. Failure of alarm system to protect plaintiff in case of medical problem.
Teubner	Gasewicz	2001 December 24	[2001] O. J. No. 5216	S.C.J. Toronto, Ontario	Hoilett J.	Female	$25,000.00 (provisionally)		Lawyer/Accountant. Side effects from rubella vaccine. Rash, fatigue, pain in points. Symptoms persisted for 8 months. Most acute manifestation of trauma for few weeks only.
Wereszczakowski	Swales Estate	2002 May 23	[2002] O.J. No. 2111; [2002] O.T.C. 378	S.C.J. Toronto, Ontario	Sachs J.	Female Pregnant	$25,000.00 (provisionally)		Stillborn foetus when 33 wks pregnant. Labour induced. Upsetting to see other mothers with live babies. Physical and emotional pain. Experience affected future 2 pregnancies.
Warnes	Rooney	2002 June 11 Additional Reasons July 19, 2002	[2002] O. J. No. 3015, [2002] O.T.C. 550 Additional reasons: [2002] O. J. No. 3017, [2002] O.T.C. 550	S.C.J. Goderich, Ontario	Donnelly J.	Female Mother 72 years Female Daughter 49 years	$60,000.00 $50,000.00	*Future loss of income*: $5,000.00 *Family Law Act Claims*: Mother's husband: $1,000.00 *Family Law Act Claims* Daughter's husband: $5,000.00	Vehicle broadsided. Trapped in car. Kept head above water to avoid drowning. Simple fractures. Damage to teeth. Fibromyalgia. Daughter suffered from bruises, scalp laceration, fibromyalgia.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lurtz	Duchesne	2003 April 16 Additional reasons: April 16, 2003 Appealed to Ont. C.A.	[2003] O. J. No. 1540 Additional reasons: [2003] O. J. No. 1541	S.C.J. Ottawa, Ontario	Lalonde J.	Female 43 Years	$95,000.00	*Family Law claims*: Mother - $45,000.00	The serious illness was the secretion of excessive growth hormone. Failure to diagnose acromegaly. Dr.'s failure to educate herself, seek specialist assistance and apprise specialist of all info in her possession. Delay exacerbated pl.'s conditn. Hormone therapy, poor quality of life, lower life expectancy. Unable to continue life normally. No chance of future employment. Awarded other categories of damages.
Brown	Flaharty	2004	[2004] O.J. No. 2539	S.C.J.	Jenkins	Male	$90,000.00	*Past Income Loss*: $144,800.00 *Future Loss of income*; $297,383.40 *Special Damages*: $181,838.95 *Future Cost Care*: $230,117.89 *Family Law Act* Claim: Spouse- $20,000.00 *Family Law Act Claim*: 3 daughters $5,000.00 each.	MVA - soft tissue injuries to neck and back; chronic pain syndrome and depression.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Jones	Mazolla	2004 January 8	[2004] O.J. No. 366	S.C.J.	Herman J.	Female 35 years	$50,000.00	*Loss of income*: $2,748.48 *Family Law Act: husband*- $5,000.00 *Family Law Act: Daughter*- $15,000.00	Headaches, back, neck, shoulder and chest pain. Sleep problems and unable to perform household duties. Chronic pain due to injuries. Decreased concentration, emotional lability.
Georghiades	MacLeod	2005 March 31	[2005] O.J. No. 1701	S.C.J.	D.J. Gordon J.	Male 32 years	$60,000.00	*Past loss of income*: $8,325.00 *Family Law Act claims*: Parents- $4,500.00 each *Family Law Act claims Brothers*- $3,000.00 and $2,065.00	Misdiagnosis, appendix rupture, led to more complicated surgery; plaintiff has pre-existing kidney disease; say generals in *Beardon* based more severe emotional problems and no pre-existing illness.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Mustapha	Culligan of Canada Ltd.	2005 April 7	[2005] O.J. No. 1469	S.C.J.	J.H. Brockenshire J.	Male 41 years	$80, 000. 00	*Special Damages:* $24, 174.58 *Past Economic Losses:* $122, 400. 00 *Future Economic Losses:* $115, 200. 00 *Costs:* $101, 541.26	PL observed dead fly & part of another one in sealed bottle of drinking water -- nausea, vomiting, abdominal pain, nightmares, loss of sleep, constipation, personality changes in form of loss of sense of humour, argumentativeness & edginess, mood changes, loss of libido, major depressive disorder, inability to drink water, anxiety, phobias, obsessive thoughts. Trial judge's decision set-aside on appeal and in its place judgment was granted dismissing the plaintiff's cause of action.
		2006 April 30	[2006] O.J. No. 1574	S.C.J.	J.H. Brockenshire J.				
Appeal allowed. Judgment below in favour of the plaintiff was set aside.		2006 December 15	[2006] O.J. No. 4964	Ont. C.A. Toronto, Ontario	E.A. Cronk, R.A. Blair JJ.A. and E.F. Then J. (ad hoc)				
Appeal and Cross-appeal dismissed.		2008 May 22	[2008] O.J. No. 27	S.C.C.	McLachlin C.J. and Bastarache, Binnie, LeBel, Deschamps, Fish, Abella, Charron and Rothstein JJ.				
Bras	Pietraszek	2005 April 26	[2005] O.J. No. 1659	S.C.J.	R.W.M. Pitt J.	Female	$45,000.00		Assault/Battery: unspecified injury to nose, bruising under eyes, loss of hair, other minor bruising, anxiety, depression, ongoing emotional stress.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Monks	ING Insurance Co. of Canada	2005 June 15	[2005] O.J. No. 2526	S.C.J.	Lalonde J.	Female 48 years	$189,074.64	*Aggravated damages* $50, 000.00 *Home expense:* $225,000.00	Developed spastic quadriparesis, chronic pain in her neck and shoulders, extreme fatigue, gait ataxia, gastrointestinal dysfunction, neurogenic bladder and bowel, decreased concentration and memory, sleep apnea/narcolepsy and depression.
Peloso	778561 Ontario Inc.	2005 June 15	[2005] O.J. No. 2489	S.C.J.	C.D. Aitken J.	Female 33 years	$24,200.00	*Past loss of income* $2,031.00 *Future loss of income* $161,796.00	Snowplow backed into Plaintiff's vehicle. Chronic pain syndrome (headaches & backache). Pre-existing condition and failure to mitigate.
Petryshyn	Iachetta	2006 April 5	[2006] O.J. No. 1431	S.C.J.	Moore J.	Female 14 Years Old	$120,000	*Impairment of future income earning capacity:* $80,000.00 *Rehabilitation and vocational services:* $7,400.00. *Disbursements:* $24,305.06 *Costs of the preparation of written costs submissions:* $2,675.00	P. struck by car while rollerblading. No mention of extent of damages. Endorsement of jury award.
MacRae	Santa	2006 September 26	[2006] O.J. No. 3852	S.C.J.	J.F. McCartney J.	Male	$25,000.00		The plaintiff, a former city manager, was awarded damages for defamation. Plaintiff was defamed in a campaign brochure.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Nguyen	792267 Ontario Ltd.	2006 October 12	[2006] O.J. No. 4756	S.C.J.	Pitt J.	Male	$15,000.00	*Loss of income:* $22,500.00 *Punitive damages:* $7,500.00	The plaintiff was illegally locked out of the commercial premises. The defendant was tardy in allowing re-entry to the premises following an order of the Court. The defendant and the defendant's agent threatened to lock the plaintiff out and restrict his hours of work. The defendant negligently locked the tenant's brother in the premises. The defendant delayed removing a dead rat from the premises and was rude and threatening to the plaintiff's brother.
Pearson	Mian	2006 November 20	[2006] O.J. No. 4635	S.C.J.	J.A. Thorburn J.	Male	$25,000.00		Defendants falsely alleged that the plaintiff had assaulted one of them during a traffic stop. Short term emotional effects & suffering as a result of the charges against him. Plaintiff's future career prospects were only temporarily held in abeyance until such time as the charges were dismissed.
Gallant-Clough No liability - damages calculated but not awarded	Anderson	2007 April 5	[2007] O.J. No. 1308	S.C.J.	R.S. Echlin J.	Female 33 years	$15,000 No liability - damages calculated but not awarded	*Corrective surgery:* $15,000.00 *Past income loss:* $15,000.00 *Future income loss:* $20,000.00	The plaintiff underwent a liposuction procedure. The result was a poor appearance which was not satisfactory to her causing distress. Action dismissed.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Landreau	Tremblay	2007 November 6	[2007] O.J. No. 5529	S.C.J.	R.A. Riopelle J.	Male	$60,000.00		PL injured as a result of a motor vehicle accident. PL sustained a facial laceration, mild concussion, punctured lip, dislocation of four upper teeth, fractures to a top and bottom molar, and injured shins, finger and toe. Plaintiff 35% contributorily negligent for want of care for personal safety.
Kenny	Mastromatteo	2008 June 23	[2008] O.J. No. 2485	S.C.J. Hamilton	T.R. Lofchik J.	Plaintiff 1 -- Female; Plaintiff 2 -- Male	Plaintiff 1: (Sister) $20,000 Plaintiff 2: (Brother) $10,000	Plaintiff 1: *Loss of income:* $20,000.00 *Out-of-pocket expenses:* $1,277.60 *Treatment (present & future):* $2,500.00 Plaintiff 2: *Loss of income:* $10,000.00 *Cost of attendance at trial:* $1,000.00 *Family Law Act claims:* Son of Plaintiff 1 - $ 2,500 Sister of Plaintiff 1 - $1,500.00 (For assisting in care of son)	As a result of an assault, plaintiff 1 suffered pain to her arm, head, neck, shoulders and hip. Plaintiff 1 also suffered from nervous shock and has had psychological sequelae to the assault which required psychiatric treatment. Prior to the assault, plaintiff 1 suffered from degenerative disc disease in her back and had all but recovered from a previous neck and back injury. As a result of the attack, she had a recurrence of pain in her neck, shoulders and mid-back, causing continuous headaches and impaired movement. She has undergone physiotherapy and attends a pain management clinic. Plaintiff 2 suffered lacerations to his face resulting in a small scar. The assault also had a psychological impact on the Plaintiff.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Cartner Appeal dismissed. Trial judgment upheld.	Burlington (City)	2008 July 29 2010 June 7	[2008] O.J. No. 2986 [2010] O.J. No. 2404	S.C.J. Ont. C.A. Toronto, Ontario	M.G.J. Quigley J. J.M. Simmons, E.A. Cronk and H.S. LaForme JJ.A.	Female 52 years	$120,000.00	*Special Damages for Loss of Past and Future Income Earning Capacity:* $190,000.00 (Discounted by 10% for a total of $171,000.00) *OHIP Subrogated Claim:* $19,064.01 *Family Law Act Loss of Care, Guidance and Companionship:* Husband – $20,000.00	Slip and fall accident causing a severe fracture to the PL's right femur. PL suffers from continuous knee pain, accelerated osteoarthritis in knees, and required knee replacement surgery. PL could only perform 50% of pre-accident activities. Loss of past and future income damages reduced by 10% for failure to mitigate.
Sherman	Guckelsberger	2008 December 29	[2008] O.J. No. 5322	S.C.J.	J.A. Milanetti J.	Female 32 years at trial	$25,000.00	*Past Wage Loss:* One week of full-time earnings and two weeks of part-time earnings	No liability – damages calculated but not awarded. PL injured when her motor vehicle was struck from behind. As a result of her injuries, the PL suffered from daily headaches, neck pain, and numbness and tingling in two fingers on her right hand. PL's claim for future wage loss did not meet the threshold of a "permanent, serious impairment of an important physical, mental, or psychological function" under the Insurance Act.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Rollin Appeal allowed in part.	Baker	2009 January 19 2010 September 2	[2009] O.J. No. 225 [2010] O.J. No. 3665	S.C.J. Ont. C.A. Toronto, Ontario	K. A. Carpenter-Gunn J. R.A. Blair, R.G. Juriansz (dissenting) and G.J. Epstein JJ.A.	Female 56 years at trial	$90, 000 (Reduced to $30,000 on appeal)	*Special Damages Past Income Loss:* $1,000 *Subrogated Claim of Ministry of Health and Long Term Care:* $10,078.05 *Future Lost Income:* $10,000	Defendant general surgeon negligently performed closed reduction surgery on the PL's left wrist which was fractured as a result of a slip and fall accident. PL suffers from ongoing pain in wrist area, residual problems with wrist rotation, deformed appearance of left wrist, and experiences difficulty performing daily personal, leisure and household activities. At the time of the incident the PL weighed in excess of 300 pounds and suffered from multiple health concerns predating her accident including bilateral knee problems, low back pain, neck pain, and emotional difficulties which included a panic disorder and depression.
Moss	Zaw	2009 March 10	[2009] O.J. No. 1317	S.C.J.	K.D. Coats J.	Male 57 years at trial	$25,000.00		No liability – damages calculated but not awarded. Alleged medical negligence on the part of the defendant doctor regarding bowel and colon surgery. PL unsuccessfully claimed that the bowel surgery was unnecessary and performed without his informed consent. PL left with an approximately eight inch abdominal surgical scar.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Demers Appeal (by defendants) allowed in part	Lévesque	2009 April 14 2010 October 22	[2009] O.J. No. 1970 [2010] O.J. No. 4524	Ont. S.C.J. Ont. C.A.	A.J. Roy J. R.J. Sharpe, R.A. Blair and P.S. Rouleau JJ.A.	Male	$50,000.00	*Dismissal:* $15,000.00 *Aggravated damages:* $35,000.00 *Damages reduced by* $15,000	Malicious prosecution - Plaintiff was an alcoholic and suffered from depression. The defendant had a reputation for berating the plaintiff and causing him to cry. During a meeting regarding sick leave for a detoxification program, the defendant asked the plaintiff personal questions causing him to become agitated. The plaintiff then made a comment regarding a news story where an employee gunned down his colleagues. As a result, the defendant called the police and the plaintiff was arrested and criminal charges were brought against him. The plaintiff was acquitted. Damages awarded by Trial Judge relied on duplicate reasons for "Honda"/"Wallace" damages and the aggrevated damages. The "Honda"/"Wallace" damages were reversed
Watts	Donovan	2009 May 28	[2009] O.J. No. 2208	S.C.J.	J.R. MacKinnon J.	Female 29 Years	$95,000	*Loss of Future Income:* $60,000 *Housekeeping Assistance:* $10,000 *Family Law Act:* Husband - $10,000 (Loss of care guidance and companionship)	MVA causing whiplash and mild brain trauma. Poor sleep, chronic pain, P.T.S.D., and emotional vulnerability. Thin skull.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McIntyre Appeal dismissed. Trial judgment upheld.	Docherty	2009 May 29	[2009] O.J. No. 2185	Ont. C.A. Toronto, Ontario	S.E. Lang, P.S. Rouleau and D. Watt JJ.A.	Female	$92,500.00	*Past Loss of Earnings:* $69,611.00 *Future Lost Earning Capacity:* $347,600.00 *Past Housekeeping Inefficiency Damages:* $5,000.00 *Past Lost Housekeeping Capacity:* $10,400.00 *Future Lost Housekeeping Capacity:* $44,535.00	MVA. As a result of her injuries, PL suffers from chronic pain, fibromyalgia, depression, anxiety, as well as a diminished capacity to perform housekeeping functions.
Sanchez-Pontigon	Manalansan-Lord	2009 June 2	[2009] O.J. No. 2293	S.C.J.	E. Quinlan J.	Female	$25,000.00	*Aggravated Damages:* $12,500.00 *Substantial Indemnity Costs:* $13,716.46	Defendant held liable for publishing a book falsely accusing the plaintiff of criminal activity, kidnapping and fraud. Plaintiff suffered damage to her reputation and hurt feelings for defamatory remarks contained in the defendant's book which was published over the internet.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Degennaro	Oakville Trafalgar Memorial Hospital	2009 July 2	[2009] O.J. No. 2780	Ont. S.C.J.	D.K. Gray J.	Female 40 Years	$175,000	*Loss of Past Income:* $308,100 *Loss of Future Income:* $793,900 *Future Cost of Care:* $1,680,000 *Family Law Act:* Husband - $65,000 1st Son - $25,000 2nd Son - $25,000	Accident caused by faulty folding bed, resulting in cracked sacrum. Long term pain requiring medications. Fibromyalgia from a later MVA (thin-skull). Condition caused marital stress, strained relationship with children, and was unlikely to improve.
Appeal (by Hospital) allowed in part		2011 April 26	[2011] O.J. No. 1836	Ont. C.A.	H.S. LaForme, Paul Rouleau, David Watt JJ.A.			*Future Cost of Care:* $1,305,000	Trial Judge erred in declaring future cost of care damages as undisputed and failed to critically analyze the value of these damages. C of A analyzed evidence and reduced the damages by $375,000

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Henderson	Pearlman	2009 August 18	[2009] O.J. No. 3444	S.C.J.	P.C. Hennessy J.	Male	$60,000.00		Each of the six defendants were to pay $10,000.00 to the PL for their role in creating, publishing and republishing libellous statements made over the internet falsely accusing the PL of being a career criminal and child molester. As a result of the defendants' broad dissemination of defamatory remarks attacking the PL's character and integrity on various websites, PL suffered damage to his reputation and dignity. PL's application for summary judgment for a permanent injunction restraining the defendants from posting defamatory comments about the PL was allowed.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
MacGregor	Potts	2009 August 27	[2009] O.J. No. 3581	S.C.J. Hamilton, Ontario	J.R. Henderson J.	Male 10 years at trial	$322,792	*Loss of Future Earnings:* $1,300,000 *Family Law Act:* Parents & Grandparents - $695,000 *Attendant Care:* $246,838 *Van Modifications:* $3,238 *Equipment:* $50,000 *Housing Modifications:* $165,000	Medical negligence causing serious injuries at birth. Permanent brain damage and quadriparetic cerebral palsy. Plaintiff will always function as an infant and require intensive attendant care and feeding tube. Prone to seizures and vomiting. Plaintiff's life expectancy is 32 years old.
Cross-Appeal by Plaintiff and Defendant.		2012 April 11	[2012] O.J. No. 1580	Ont. C.A.	Feldman, MacPherson and Hoy JJ.A				Appeal by Plaintiff on basis that future pecuniary damages should be re-assessed. Appeal by Defendant on basis that should not have been found negligent. Both unsuccessful. Damages not amended. Costs awarded to Defendant, at $100,000.
Greensides	Industrial Alliance Pacific Life Insurance Co.	2009 September 28	[2009] O.J. No. 4677	S.C.J.	L.B. Roberts J.	Male	$98,000.00	*Aggravated Damages-Mental Distress:* $5,000.00	MVA. Plaintiff could not make lease payments when defendant insurer refused disability benefits. Aggravated damages awarded for mental distress.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McQueen	Echelon General Insurance Co.	2009 September 28	[2009] O.J. No. 3965	Ont. S.C.J.	C.R. Harris J.	Female 35 years	N/A	*Mental Distress:* $25,000.00 *Unnecessary Loss of Housekeeping Benefits:* $7,800.00 *Transportation Allowance:* $7,500.00 *Cost of Aborted Medical Assessment:* $2,259.91 *Cost of Failed Neurological Assessment:* $1,391.52 *Cost of Occupational Home Therapist Home Assessment:* $620.11	MVA. Plaintiff bed ridden for two months. Pre-existing medical condition included being diagnosed with bi-polar disorder and suffering from upper back pain. Defendant insurer unreasonably withheld housekeeping and transportation benefits causing mental distress.
Appealed by Defendant		2011 October 18	[2011] O.J. No. 4563	Ont. C.A.	Gillese, Armstrong and Karakatsanis JJ.A				Appeal on almost fifty grounds, with Defendant challenging all awards except for interest finding. Unsuccessful except for variation for transportation benefits – reduced from $7,500 to $2,280. Other damages not amended. Costs awarded to Plaintiff at $6500.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Dhillon	Kyriakou	2009 September 30	[2009] O.J. No. 4126	S.C.J.	J.P. Moore J.	Male	$20,000.00	*Aggravated Damages:* $5,000.00	Defendants held liable in part for publishing defamatory statements falsely accusing the PL of engaging in fraudulent activities and having the inclination to commit murder and sending them to members of the plaintiff's church and to people with whom he and his wife carried on business dealings. PL's claim for injunctive relief to restrain the defendant's from writing, publishing or communicating the alleged defamatory statements was denied. The award of $5,000.00 in aggravated damages to the plaintiff was aimed at deterring the defendant's from writing similar defamatory statements in the future.
Bourque	St. Joseph Health Centre	2009 October 2	[2009] O.J. No. 4055	S.C.J.	G.D. Lemon J.	Male 51 years	$35,000		No liability – damages calculated but not awarded. Alleged malpractice. Unspecified post-operative infection, severe ulnar neuropathy, numbness in arms & thumbs, pain in arm & hand, recurring back & leg pain and depression.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Mudford Appeal dismissed. Trial judgment upheld.	Smith	2009 October 16 2010 June 1	[2009] O.J. No. 4317 [2010] O.J. No. 2297	S.C.J. Ont. C.A. Toronto, Ontario	E.P. Belobaba J. W.K. Winkler C.J.O., S.T. Goudge and J.C. MacPherson JJ.A.	Female 53 years	$30,000.00	*Aggravated Damages:* $5,000.00	Defendant held liable for damages to PL for internet libel. Defendant posted malicious criticism of PL's personal and professional trustworthiness, integrity and falsely claimed that the PL had refused to pay two court judgments against her on the defendant's personal website and on two third-party websites. Defendant's conduct for failing to offer an apology as well as a retraction was held to be malicious and spiteful thus warranting an award of aggravated damages in the amount of $5,000.00.
Valdez	Clarke	2010 January 6	[2010] O.J. No. 31	S.C.J. Hamilton, Ontario	J.A. Milanetti J.	Male 53 years at trial	First MVA - $18,750 Second MVA - $6,250		MVA 1 - Chronic pain syndrome. Soft tissue injuries causing neck & back pain. Nerve root damage in neck, headaches and numbness in fingers. MVA 2 - Aggravation of ongoing neck and back injuries. Defendant's motion for an order that Plaintiff does not meet the threshold for permanent serious impairment is dismissed.
Schmor Estate	Weber	2010 January 27	[2010] O.J. No. 837	S.C.J.	C.E. Brown J.	Female 91 years	$50,000	*Family Law Act:* First Daughter - (primary caregiver) $20,000 2nd Daughter - $10,000	Plaintiff hit her head on a protruding trailer hitch. Falls and fractures her hip and wrist. Requires surgery. Suffers pain in hip & wrist, difficulty walking and weakness in arms. Problems ongoing until her death three years later.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lawson	Costco Wholesale Canada Ltd.	2010 April 12	[2010] O.J. No. 1457	S.C.J.	J.F. McGarry J.	Female 69 years at trial	$30,000.00	*Special Damages:* $8,000.00 *Cost of Future Care:* $10,000.00	Slip and fall accident causing severe pain in PL's left leg, hip and shoulder. As a result of her injuries, PL requires a left knee brace to assist in standing and walking as well as on-going massage therapy to prevent her shoulder from freezing. PL also became depressed over her lack of recovery from injuries sustained in accident. Pre-existing medical condition prior to accident included suffering from neck problems, migraine headaches and lower back pain.
Ouderkirk Appeal dismissed. Trial judgement upheld.	Clarry	2010 May 28	[2010] O.J. No. 2223	Ont. C.A. Toronto, Ontario	K.N. Feldman R.P. Armstrong G.J. Epstein JJ.A.	Female	$30,000	*Loss of Income:* $10,000	No liability – damages calculated but not awarded. Plaintiff fell off deck. Fractured ankle. Required surgery. Ongoing pain in ankle and back plus 10-15% risk of post-traumatic arthritis.
Chatterton	Cowan	2010 August 10	[2010] O.J. No. 3395	S.C.J.	P. Lauwers J.	Female 48 years at trial	$8,500	*Costs for Legal Fess:* $2,000 *Disbursements:* $1,215.92 *Loss of Pay:* $143.20 *OHIP Subrogated Claim:* $319.95	PL suffered injuries when bitten and pinned down by a large dog owned by the defendants. The defendants' dog grabbed the PL by her hip with its mouth and pinned her down for approximately five minutes on the ground. PL sustained two tooth puncture wounds to her hip, received a rabies vaccination and administered medication for pain and shock. PL also suffered from emotional trauma which manifested itself into having a fear of dogs, nightmares and trouble sleeping.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Nicolas	Bowers	2010 April 7	[2010] O.J. No. 1354	Ont. S.C.J.	Gans J.	Female	$55,000	*Loss of Income:* $4,250 *Family Law Act Claim Husband* - $20,000	Following MVA, the plaintiff suffered from chronic pain which was triggered when she sat for long periods of time without moving. She was no longer able to share bed with usband on day-to-day basis. Long car trips and employment were difficult, and so was entertaining. All damages reduced by 15% for contributory negligence.
Van Dusen	Van Dusen	2010 January 20	[2010] O.J. No. 313	Ont. S.C.J.	H. MacLeod-Beliveau J.	Female	$15,000		Domestic Assualt Case – Husband beat wife in front of their children. Wife suffered severe facial bruising and swelling. Suffered extensive bruising on her entire body. She was also humiliated in front of her children.
Edwardson	St. Joseph's Healthcare	2010 November 3 2012	2011 ONSC 757 (Unpublished) [2012] O.J. No. 5032	Ont. S.C.J. Ont. C.A., Toronto.	Crane J. MacPherson, Armstrong, and Blair JJA.	Male	$200,000.00	*Family Law Act*: Wife- $40,000.00 *Family Law Act:* First Son- $10,000.00 *Family Law Act:* Second Son- $10,000.00 *Future Lost Wages:* $100,000.00	Stroke caused by a complications in a cervical rhizotomy. Judge found that plaintiff did not provide informed consent to the medical procedure, based on the inherent risks. Plaintiff suffered physical, psychological, and emotional trauma as a result of stroke. Appeal by defendant was dismissed.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Slaght	Phillip	2010 December 9	[2010] O.J. No. 5343	Ont. S.C.J.	Turnbull, J.	Female 47	$110,000.00	*Future loss of Income:* $123,512.00 *Loss of Pension Benefit:* $11,000.00 *Past loss of income:* $6,500	MVA. Plaintiff suffered torn ligament in her shoulder. Continues to suffer pain 5 years after accident. Plaintiff had to switch line of work from one she enjoyed. She feels depressed and has given up active lifestyle and social life.
Ramotar	La Fontaine Jeunesse	2010 November 25	[2010] O.J. No. 5069	Ont S.C.J.	Sosna J.	Female 24	$30,000	*Special Damages:* $5,000	Plaintiff suffered burns to her face and neck during a laser hair removal procedure at the defedant's beauty salon. Dermatologist described injury as "post inflammatory hyper pigmentation of face and neck, secondary to burns from laser hair removal". The burns have left scars which has lead to depression, weight gain and social introversion,
McDonald	Kwan	2010	2010 ONSC 5861 [2010] O.J. No. 4511	S.C.J.	Eva Frank J.	Male 36 years	$98,000 (70% of $140,000)	*Future income loss:* $579,612 *Loss of housekeeping capacity*: $66,500 *Family Law Act*: $12,000	Plaintiff's car hit by defendant's car. Plaintiff subsequently involved in two car accidents. Suffered chronic back and neck pain and extreme depression. 70% attributed to first accident. Plaintiff forced to leave work on long-term disability due to mental and physical damage.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Daboll	DeMarco	2010	[2011] O.J. No. 4 2011 ONSC 1	S.C.J.	R.A. Lococo J.	Male Adult	$50,000 (includes aggravated damages)		Defendant placed advertisements with defamatory comments about his former lawyer, the plaintiff, in local newspapers and on a website of the National Coalition for Law Societies Reform. The wide circulation of the advertisements, the repeated running of the ads and the accessibility of the comments on the internet all were considered when assessing damages.
Carrington	Corrigan	2010	2010 CarswellOnt 4916	S.C.J.	A.C.R. Whitten J.	Female Adult	$35,000 (Includes general, punitive and aggravated damages)		Plaintiff left defendant's insurance brokerage and began to work for another insurance broker. Defendant called plaintiff's new employer and falsely claimed that the plaintiff had signed a non-competition clause and had stolen property from the defendant. The plaintiff's reputation was key to her professional success and the defendant was intentionally malicious, he tried to victimize a professional subordinate.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Morin	Korkola	2011 March 14 2012 December 11	[2011] O.J. No. 1091 [2012] O.J. No. 5832	Ont. S.C.J. Ont. C.A.	G.M. Mulligan J. K.M. Weiler, R.G. Juriansz, and A. Hoy JJ.A.	Male 15	$75,000	*Future Loss of Income:* $60,000 *Future Cost of Care:* $100,000 *Pecuniary Damgages of mother:* $20,000 *Family Law Act Claim:* *Mother* - $7,500 *Step-Father* - $1,000 *Brother* - $1,000	Orthapedic surgeon gave negligent treatment of broken femur which resulted in additional surgery and osteomyelitis. Will have recurring osteomyelitis throughout his entire life. Damages only awarded for damage which occurred after the negligent treatment. Appeal affirms trial decision.
Mouradian	Kay	2011 March 2	[2011] O.J. No. 908	Ont. S.C.J.	K.W. Whitaker J.	Male 50	$75,000	*Aggravated Damges:* $5,000 *Loss of Income:* $15,000	Defendant landlord called police multiple times on the plaintiff and pressed charges which were ultimately dismissed. Plaintiff spent time in detention centre and found the experience shocking and horrific, he lost weight, his hair turned white, his health has deteriorated, and his reputation was damaged.
Elliot	Waterloo Region Police Services	2011 November 22	[2011] O.J. No. 5199	Ont. SCJ, Kitchener	Milanetti J.	Male 28 years	$25,000	*Punitive*: $2,500 *Property Damage*: $4,500	Defendant police officers conducted illegal search of Plaintiff's home while he was out. Upon his return, Plaintiff was falsely arrested and unlawfully detained. Despite informing officers he had an injured arm, arm was handcuffed and Plaintiff denied pain medication. Plaintiff was embarrassed by the situation and experienced loss of reputation in the community. Court found Defendant's Charter rights were violated, and damages flow from that injury.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.				A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries.
						P1: Female 70 years	P1: $45,000	*P1: Loss of Housekeeping: $3,000* *P1: Special Damages: $250*	P1: stitches to head and leg, cast then crutches, headaches, knee pain.
						P2: Male 37 years	P2: $50,000	*P2:Family Law Act Claim – Wife: $10,000*	P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain.
						P3: Female 30 years	P3: $30,000	*P3: Family Law Act Claim – Husband: $10,000*	P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety.
						P 4: Male 28 years	P4: $60,000	*P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder.
						P5: Male 33 years	P5: $20,000		P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head.
						P6: Male 30 years	P6: $25,000		P6: bruising on mid and low back.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)								*P7: Loss of Future Housekeeping: $5,000*	Cut to head requiring stitches and later infected. Cut to left hand. Abrasions to neck and mid-back. Physiotherapy required.
						P7: Female 27 years	P7: $65,000	*P7: Loss of Past Wages: $320*	P7: pain and discomfort to face, above left eye, along right side, right elbow, lower back. Compression fracture. Open wound injury to right knee and some bruising. Stress and anxiety. Chiropractor required.
						P8: Male 19 years	P8: $20,000		P8: back and knee pain. Cuts on right hand, near thumb of left hand, skull and chin, resulting in scar. Difficulty sleeping and fatigue.
						P9: Female 38 years	P9: $55,000		P9: anxiety/PTSD. Bruising, back pain. Possible compression fracture.
						P10: Male. 14 years	P10: $65,000	*P10: Loss of Future Housekeeping: $5,000*	P10: cuts on head and arm. Bruising on right shoulder, resulting in rotator cuff tendinitis and muscle strain. Lower back pain. Chronic pain. PTSD. Physiotherapy required.
						P11: Female 39 years	P11: $50,000		P11: whiplash. Bruising to lower left leg, upper left arm, tailbone, and one finger. PTSD.
						P12: Female 29 years	P12: $70,000	*P12: Loss of Future Housekeeping: $25,000* *P12: Special Damages: $6,179.08*	P12: pregnant at time of accident. Ankle, neck and lower back pain leading to chronic pain. Physiotherapy required.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Smith	663556 Ontario Inc.	2011 September 23	[2011] O.J. No. 4307	Ont. SCJ	E.A. Quinlan, J	Male	$21,000	*Compensation for Removal of Drainage Pipe*: $13,314.93 *Breach of Court Order*: $9,350 *Costs*: $55,000	Defendant ran a drainage pipe through Plaintiff's property and failed to maintain the pipe, causing a nuisance due to water leakage. Defendant suffered psychologically as a result of dealing with the issue for seven years.
Bush	Friedman	2011 September 22	[2011] O.J. No. 4625	Ont. SCJ	R.D. Reilly, J	Male 39 years	none	*Family Law Act Claim – Father: $60,000* *Mother: $60,000* *Brother: $15,000* *Sister: $15,000*	Action brought by family of deceased. After indicating phsycial discomfort to family doctor, deceased was examined for potential gastrointestinal issues or food poisoning. After several attempts at diagnosis, died from a brain aneurism. Court found the death was not the result of medical malpractice or negligence, and so Defendants not liable. However Court did recognize damages suffered. As Defendants did not seek costs, none awarded.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McLean	Knox	2012 February 14	[2012] O.J. No. 636	Ont. SCJ	R.J. Smith J	Male	$174,553 (including pre-judgment interest)	*Loss of Future Income: $117,200*	Plaintiff was in MVA in which Defendant hit his vehicle. Other defendants included the bar deemed to have over-served the driver. Plaintiff suffered concussion, possible brain injury, elbow fractures leading to surgery and difficulty returning to work. Exacerbated by pre-existing learning disability that made new training difficult. Liability apportioned to 84% Defendant driver, 1% Defendant bar owners, 15% Plaintiff. Jury award, modified by judge.
Malcolm	Usprech	2012 March 12	[2012] O.J. No. 1492	Ont. SCJ, Divisional Court, Toronto	Aston, Murray and Harvison Young JJ	Male	$20,000		Plaintiff was injured in MVA. Defendants are two former counsel, from whom Plaintiff sought damages for failure to pursue claim. Here the Defendant had already been found liable forpayment of general damages at $25,000, and sought to appeal on the basis that trial judge misapprehended the evidence and erred in law in his analysis and findings with respect of causation. Unsuccessful. Damages not amended and costs awarded to Plaintiff at $9,164.30. Oral reasons referred to in judgment but not provided.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Edwardson	St. Joseph's Healthcare	2010 November 3 2012	2011 ONSC 757 (Unpublished) [2012] O.J. No. 5032	Ont. S.C.J. Ont. C.A., Toronto.	Crane J. MacPherson, Armstrong, and Blair JJA.	Male	$200,000.00	*Family Law Act*: Wife- $40,000.00 *Family Law Act:* First Son- $10,000.00 *Family Law Act:* Second Son- $10,000.00 *Future Lost Wages:* $100,000.00	Stroke caused by a complications in a cervical rhizotomy. Judge found that plaintiff did not provide informed consent to the medical procedure, based on the inherent risks. Plaintiff suffered physical, psychological, and emotional trauma as a result of stroke. Appeal by defendant was dismissed.
Morin	Korkola	2011 March 14 2012 December 11	[2011] O.J. No. 1091 [2012] O.J. No. 5832	Ont. S.C.J. Ont. C.A.	G.M. Mulligan J. K.M. Weiler, R.G. Juriansz, and A. Hoy JJ.A.	Male 15	$75,000	*Future Loss of Income:* $60,000 *Future Cost of Care:* $100,000 *Pecuniary Damgages of mother:* $20,000 *Family Law Act Claim: Mother* - $7,500 *Step-Father* - $1,000 *Brother* - $1,000	Orthapedic surgeon gave negligent treatment of broken femur which resulted in additional surgery and osteomyelitis. Will have recurring osteomyelitis throughout his entire life. Damages only awarded for damage which occurred after the negligent treatment. Court of Appeal affirms trial decision.
Charney	Waterloo Police Services Board	2012 August 13	[2012] O.J. No. 3796	Ont.S.C.J.	R.B. Reid J.	Males(2)	None.	Plaintiff 1: *Nominal Damages:* $500.00 Plaintiff 2: *Nominal Damages:* $500.00	Police constable responded to a break-in and enter. Handcuffed and search the two plaintiffs, who did not match the perpetrator's description. Released 10 minutes later. No reasonable belief they were connected to the crime. Nominal damages awarded for the search and seizure.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Foulidis	Ford	2012 December 12	[2012] O.J. No. 6152	Ont.S.C.J.	J. Macdonald J.	Male	$20,000.00	None.	Libel. Plaintiff is a business owner with several contracts involving Toronto area beaches. Defendant spoke to the editorial board of Toronto Sun about Plaintiff's company, saying that the company's contract "stunk to high heaven." Trial judge held that the allegations did not reference the plaintiff directly, only his company, and were not libellous towards him. General damanges were calculated, but not awarded.
Appeal Dismissed. Trial judgment upheld.		2014 July 08	[2014] O.J. No. 3217	ONCA	J.C. MacPherson, D. Watt and M.L. Benotto JJ.A.				
Foulidis	Baker	2012 December 27	[2012] O.J. No. 6151	Ont.S.C.J.	J. Macdonald J.	Male	$22,500.00	None.	Libel. Plaintiff is a business owner with several contracts involving Toronto area beaches. Defendant wrote to Toronto city council and the mayor, arguing that the plaintiff's contract procurements were suspect, and that a police investigation was warranted. Cited letters in Toronto Life magazine, suggesting that plaintiff used undue influence to procure city contracts. Damages calculated but not awarded. Defendant succeeded on defence of Qualified privelige.
Appeal Dismissed. Trial judgment upheld.		2014 July 08	[2014] O.J. No. 3239	Ont C.A. Toronto	J.C. MacPherson, D. Watt and M.L. Benotto JJ.A.				

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Manson	John Doe no. 1	2013	[2013] O.J. No. 530	Ont. S.C.J.	R.F. Goldstein J.	Male	$100,000.00	*Aggravated Damages:* $50,000.00	Anonymous internet blogger libelled plaintiff lawyer, referring to him as a pedophile, crook, nazi, and imbecile. Plaintiff feared damage to his reputation, and professional career. Defendant refused to remove posts, or admit their identity.
D.M.	W.W.	2013 June 19	[2013] O.J. No. 2874	Ont. S.C.J.	I.F. Leach J.	Male 12 Years Old	$95,000.00 (Includes Aggravated Damages)	*Economic Loss:* $85,000.00 *Future Care Costs:* $11,017.00 *Punitive Damages:* $30,000.00	Plaintiff was sexually touched in a hotel room by defendant uncle in 1975. Compelled to sleep in the nude with defendant overnight. Plaintiff suffers from severe anxiety, hyper-vigilance, and difficulty in forming relationships. Grades began a steep decline following the touching, job prospects were limited.
Vanderkooy	Vanderkooy	2013 August 15	[2013] O.J. No. 3781	Ont. S.C.J.	A.J. Goodman J.	Male	$125,000.00	None.	Defamation. Plaintiff's nieces alleged that he had sexually assaulted them when they were children. Began warning relatives, sending e-mails describing the sexual assault. Trial judge held allegations were unsubstantiated, and damaged plaintiff's reputation within his family and community. Counterclaim by defendants was dismissed.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
R.A.	J.M.	2013 August 26	[2013] O.J. No. 3869	Ont. S.C.J.	J.C. Kent J.	Male 7 Years Old Male 4 Years Old	*Plaintiff 1:* $35,000.00 *Plaintiff 2:* $35,000.00	None.	Action by plaintiffs against their mother and grandparents. Plaintiffs were sexually abused by their uncles throughout the late 1970s and 1980s. Mental trauma from sexual assault was exacerbated by extreme physical discipline from plaintiff's mother. Trial judge found that upon knowing of uncle's sexual misconducts, mother and grandparents breached fiduciary duty owed to children, to keep them safe from ongoing sexual assaults.
Manson	John Doe no. 1	2013	[2013] O.J. No. 530	Ont. S.C.J.	R.F. Goldstein J.	Male	$100,000.00	*Aggravated Damages:* $50,000.00	Anonymous internet blogger libelled plaintiff lawyer, referring to him as a pedophile, crook, nazi, and imbecile. Plaintiff feared damage to his reputation, and professional career. Defendant refused to remove posts, or admit their identity.
Vanderkooy	Vanderkooy	2013 August 15	[2013] O.J. No. 3781	Ont. S.C.J.	A.J. Goodman J.	Male	$125,000.00	None.	Defamation. Plaintiff's nieces alleged that he had sexually assaulted them when they were children. Began warning relatives, sending e-mails describing the sexual assault. Trial judge held allegations were unsubstantiated, and damaged plaintiff's reputation within his family and community. Counterclaim by defendants was dismissed.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
D.M.	W.W.	2013 June 19	[2013] O.J. No. 2874	Ont. S.C.J.	I.F. Leach J.	Male 12 Years Old	$95,000.00 (Includes Aggravated Damages)	*Economic Loss:* $85,000.00 *Future Care Costs:* $11,017.00 *Punitive Damages:* $30,000.00	Plaintiff was sexually touched in a hotel room by defendant uncle in 1975. Compelled to sleep in the nude with defendant overnight. Plaintiff suffers from severe anxiety, hyper-vigilance, and difficulty in forming relationships. Grades began a steep decline following the touching, job prospects were limited.
R.A.	J.M.	2013 August 26	[2013] O.J. No. 3869	Ont. S.C.J.	J.C. Kent J.	Male 7 Years Old Male 4 Years Old	*Plaintiff 1:* $35,000.00 *Plaintiff 2:* $35,000.00	None.	Action by plaintiffs against their mother and grandparents. Plaintiffs were sexually abused by their uncles throughout the late 1970s and 1980s. Mental trauma from sexual assault was exacerbated by extreme physical discipline from plaintiff's mother. Trial judge found that upon knowing of uncle's sexual misconducts, mother and grandparents breached fiduciary duty owed to children, to keep them safe from ongoing sexual assaults.
Manson	John Doe no. 1	2013	[2013] O.J. No. 530	Ont. S.C.J.	R.F. Goldstein J.	Male	$100,000.00	*Aggravated Damages:* $50,000.00	Anonymous internet blogger libelled plaintiff lawyer, referring to him as a pedophile, crook, nazi, and imbecile. Plaintiff feared damage to his reputation, and professional career. Defendant refused to remove posts, or admit their identity.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Vanderkooy	Vanderkooy	2013 August 15	[2013] O.J. No. 3781	Ont. S.C.J.	A.J. Goodman J.	Male	$125,000.00	None.	Defamation. Plaintiff's nieces alleged that he had sexually assaulted them when they were children. Began warning relatives, sending e-mails describing the sexual assault. Trial judge held allegations were unsubstantiated, and damaged plaintiff's reputation within his family and community. Counterclaim by defendants for battery and sexual assualt was dismissed.
D.M.	W.W.	2013 June 19	[2013] O.J. No. 2874	Ont. S.C.J.	I.F. Leach J.	Male 12 Years Old	$95,000.00 (Includes Aggravated Damages)	*Economic Loss:* $85,000.00 *Future Care Costs:* $11,017.00 *Punitive Damages:* $30,000.00	Plaintiff was sexually touched in a hotel room by defendant uncle in 1975. Compelled to sleep in the nude with defendant overnight. Plaintiff suffers from severe anxiety, hyper-vigilance, and difficulty in forming relationships. Grades began a steep decline following the touching, job prospects were limited.
R.A.	J.M.	2013 August 26	[2013] O.J. No. 3869	Ont. S.C.J.	J.C. Kent J.	Male 7 Years Old Male 4 Years Old	*Plaintiff 1:* $35,000.00 *Plaintiff 2:* $35,000.00	None.	Action by plaintiffs against their mother and grandparents. Plaintiffs were sexually abused by their uncles throughout the late 1970s and 1980s. Mental trauma from sexual assault was exacerbated by extreme physical discipline from plaintiff's mother. Trial judge found that upon knowing of uncle's sexual misconducts, mother and grandparents breached fiduciary duty owed to children, to keep them safe from ongoing sexual assaults.
Dr. X	Everson	September 30, 2013	[2013] O.J. No. 4504	S.C.J.	Reid J.	Female 40 years	$50,000	*Loss of earnings*: $83,473	Psychological trauma from the negligent completion of a psychiatric assessment of the plaintiff. This resulted in detention and false imprisonment.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Pate Estate	Galway-Cavendish and Harvey	November 5, 2013	[2013] O.J. No. 5017	ONCA	Doherty, Cronk JJ.A. *Dissent:* Lauwers JJ.A.	Male	$75,000	*Punitive Damages:* $450,000 *Wrongful Dismissal:* $23,413 Special Damages: *Criminal Trial Defence Costs* $7,500 *Costs:* $10,000	After acquittal on criminal charges plaintiff sought damages for wrongful dismissal, malicious prosecution and reputational injuries. He also sought special damages for his criminal trial defence cots, aggravated damages and punitive damages. Majority dismissed the appeal for malicious prosecution and replaced the punitive damages with $450,000 Dissent: affirm the trial judge's decision that the appellant is liable to the respondent for malicious prosecution. I would dismiss the appeal on the quantum of punitive damages.
Saisho	Loblaw Cos.	2014 March 26	[2014] O.J. No. 1475	Ont. S.C.J.	F.B. Fitzpatrick J.	Male 90 years	$160,000	*Subrogated claim from OHIP: $262,601.10* *Family Law Act Claim*: Wife $55,000	Plaintiff was struck by a shopping cart. Damage to his cervical column rendered him a spastic quadriplegic, made it difficult to breath significantly increasing risk for death by aspiration, and more susceptable to blood clots. Catheterized bladder increased risk of infection. Plaintiff required assistance for every aspect of daily living, suffered from cramps, had difficulty sleeping and was constantly frustrated and scared. He remained in the hospital for two years until his death. Pre-existing hypertension and narrowing of the cervical spine would have put him wheelchair bound for the future but not as a quadriplegic.

General									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Nicholson	Shreve	2014 June 3	[2014] O.J. No. 5610	Ont S.C.J.	Toscano Roccamo J.	Male 29	$150,000	*Past Loss of Income*: $63,652 *Future Loss of Income*: $2,000,000 *Family Law Act Claim: Parents* $30,000	Defendant cut himself and Plaintiff with the same blade during professional wrestling match. Plaintiff contracted Hepatitus C, which caused WWE to revoke professional wrestling contract they had offered.
Radmanish	Sulaimankhail	2014 September 19	[2014] O.J. No. 4386	Ont. S.C.J.	Firestone J.	Male 30	$39,900	*Aggravated Damages:* $3,000 *Past Loss of Income:* $23,544	Plaintiff was assaulted three times at his workplace. Plaintiff suffered soft tissue injuries to his neck and shoulder, abrasions on his face, and laceration to his temple. He has been diagnosed with post-tramatic stress disorder. He has bad dreams, flashbacks, occasional headaches, and ongoing pain in his neck and shoulder.
Khelifa Appeal dismissed. Trial judgement affirmed	Ontario Corp. 1358584	2015 February 13 2016 September 23	[2015] O.J. No. 888 2016 ONCA 698	Ont. S.C.J. Ont. C.A.	D.A. Wilson J. John Laskin J.A., K. Feldman J.A., and C.W. Hourigan J.A.	Female 34 years	$175,000	*Future care costs*: $100,000 *Future loss of income*: $125,000 *Subrogated OHIP claim*: $79,698	Plaintiff slipped on ice on fire escape. Plaintiff suffered laceration to her scalp, mild traumatic brain injury, burst fracture and transverse process fractures to her lumbar spine, fracture to her thoracic spine, factures and permanent articular cartilage damage in both ankles. Plaintiff continues to suffer from post-traumatic stress disorder, headaches, and ongoing back, leg and foot pain. Unclear if pre-existing depression was aggravated by her injuries.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Wood	Cobourg District General Hospital	1999 October 21	(1999) 125 O.A.C. 370 varying (1997), 37 O.T.C. 241 (Ont. Gen. Div.)	Ont. C.A. S.C.J. Toronto, Ontario	McMurtry, Carthy, Sharpe JJ.A. S.C.J.: Feldman J.	Female 32 years Plaintiffs: Husband Daughter	$100,000.00	*Family Law Act Claim:* Husband $25,000.00 *Family Law Act Claim:* Daughter- $2,250.00	Medical negligence. Failure to diagnose bleeding brain tumour or suspect pathology. Diagnosed with Choriocarcinoma. Permanent loss of left visual field in each eye. Cognitive difficulties.
Peel	West Wawanosh Mutual Insurance Co.	S.C.J.: 1999 January 7 Ont. C.A.: 1999 December 1	S.C.J.: [1999] O. J. No. 787; 40 M.V.R. (3d) 287 Ont. C.A.: [199] O. J. No. 4663	Ont. C.A. varying in part re FLA claims S.C.J. Kitchener, Ontario	S.C.J.: Sills J. Ont. C.A.: Catzman, Borins, Sharpe JJ.A.	Female 25 years	$75,000.00	*Family Law Act Claims: children-* $20,000.00 each Death of father: $35,000.00/ child Injury to mother: $10,000.00/ child	Laceration of bowel and liver. Fractures to pelvic area and left humerus. Discomfort to lower extremities, abdomen, left upper extremity. Left shoulder injury persisted 1 year after accident. Significant abdominal scarring. Pain & discomfort expected to persist. Husband died in same accident.
Kennedy	Jackiewicz	2003 May 13 2004 November 25 2005 April 28	[2003] O.J. No. 1854 [2004] O.J. No. 4816 [2005] S.C.C.A. No. 27	S.C.J. Ontario Ont.C.A S.C.C. (leave to appeal dismissed)	Gravely J. Feldman, Charron, Laskin JJ.A. Abella J., Fish J., Major J.	Female 35 years	$125,000.00	*Family Law Act* Husband- $35,000.00 *Family Law Act* Son 1-$10,000.00 *Family Law Act* Son 2-$5,000.00 *Family Law Act* Son 3- $5,000.00	During surgery to remove ovaries, doctor damaged colon, damages went undetected, increasing pain and nausea, hole in colon, leakage caused sticky, scar-like lesions in abdominal cavity, internal organs stuck together, numerous secondary complications, almost constant pelvic pain, lower back pain, bladder spasm, bladder pain.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Cowles	Balac	2005 January 27 2006 December 15	[2005] O.J. No. 229 [2006] O.J. No. 4963	S.C.J. Ontario Court of Appeal	J.L. MacFarland J. D.R. O'Connor A.C.J.O., S. Borins and P.S. Rouleau JJ.A.	Young female and male	Balac: $225,000.00 Cowles: $210,000.00	*Past loss of income:* Balac-$247,053.00 Cowles- $298,528.00 *Future loss of income:* Balac- $1,191.00 Cowles- $250,000.00 *Family Law Act claims*: Cowles's mother- $20,000.00 *Family Law Act claims* Children $10,000 each *Family Law Act claims* Balac's mother $20,000.00 *Family Law Act* claims: Balac's father- $17, *Family Law Act claims*: Balac's sister $12,000.00 *Costs (including disbursements)* $120,000	Paintiffs attacked by tiger in safari park. Cowles: unsightly scars to hip and scalp, and symptoms of PTSD. Balac: disfigured right forearm and also significantly disabled - fine motor skills lost. He also suffered psychologically. Costs endorsed on appeal.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Nusinowitz	Ontario (Superintendent of Financial Services)	2005 March 28	[2005] O.J. No. 2069	S.C.J.	T.L. Archibald J.	Male 86 years	$55,000.00	*Family Law Act-Claim:* wife-$20,000.00	Plaintiff was startled by DF's rapidly approaching car and fell. Fracture of right hip. Partial hip replacement. Unable to walk independently. Loss of independence and "joyous lifestyle" Chronic pain & depression.
Hornick	Kochinsky	2005 March 29	[2005] O.J. No. 1629	S.C.J. Chatman, Ontario	Thomson J.	Male 39 years	$125,000.00	*Past loss of income*: $14,390.00 *Family Law Act*: wife-$45,000.00 *Family Law Act* Sons- $45,000.00 each	Severe whiplash and brain injury as result of MVA. Ongoing problems with lower back, left shoulder and right knee. Soft tissue injuries. Severe adjustment disorder involving significant anxiety, depression and frustration.
Georghiades	MacLeod	2005 March 31	[2005] O.J. No. 1701	S.C.J.	D.J. Gordon J.	Male 32 years	$60,000.00	*Past loss of income*: $8,325.00 *Family Law Act claims*: Parents-$4,500.00 each *Family Law Act claims Brothers*-$3,000.00 and $2,065.00	Undiagnosed appendicitis resulted in rupturing of PL's appendix and more complicated surgery. PL had pre-existing kidney disease.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Walford (litigation Guardian of) No liability - action dismissed - damages calculated. On appeal re liability. Appeal allowed.	Jacuzzi Canada Ltd	2005 April 8 2007 October 23	[2005] O.J. No. 1376 [2007] O.J. No. 4053	S.C.J. Hamilton, Ontario Ont. C.A.	Cavarzan J. K.N. Feldman, R.A. Blair and P.S. Rouleau JJ.A.	Female 15 years	$302,000.00	*Family Law Act Mother*- $50,000.00 *Family Law Act Father* -$25,000.00 *Family Law Act Brother* -$10,000.00 *Family Law Act Sister* -$10,000.00 *Loss of Future income* $640,000.00 *Home improvement expenses* $52,648.00 *Future Care*: $3,035.000.00	Vertebral fracture and injury to spinal cord causing quadriplegia No liability - action dismissed at trial - damages calculated. Appeal allowed. Contributory negligence at 20 % for plaintiff.
Adair Litigation Adminis-trator of	Hamilton Health Services Corp.	2005 April 25	[2005] O.J. No. 2180	S.C.J.	C.R. Harris J.	Female 66 years	$50,000.00	*Family Law Act claims*: Husband- $30,000.00 *Family Law Act claims:* Children- $20,000.00 *Family Law Act claims: Two Grandchildren* $10,000.00 each *Two Grandchildren:* $5,000 each	Medical malpractice. Delayed & sub-standard diagnosis of bowel obstruction causing malnutrition, surgery, pneumonia infection, candidemia infection causing death, "utterly frightening" abdominal pain. Awareness of prospect of death

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Lahay	Henderson	2005 April 29	[2005] O.J. No. 1705	S.C.J.	T.M. Wood J.	Male 43 years	$90,000.00	*Past lost income*: $1,653.74 *Loss of future earning capacity*: $265,213.00 *Family Law Act claims*: Wife- $30,000.00 *Family Law Act claims* Son- $15,000.00 *Family Law Act claims* Children $5,000.00 each	MVA – neck pain, chronic back pain, headaches.
Levy	Brampton (City)	2005 June 15	[2005] O.J. No. 2487	S.C.J.	J.M. Spence J.	Female	$27,500.00	*Future economic* loss: $8,200.00 *Family Law Act claims*: Sons- $6,000.00 each	Liability not established. Damages calculated but not awarded. Slip & fall on icy sidewalk. Fractured ankle.
Stephen Appeal Dismissed	Stawecki	2005 July 8 2006 June 16	[2005] O.J. No. 3027 [2006] O.J. No. 2412	S.C.J. Ont. C.A. Toronto ON	T.D. Little J. R.J. Sharpe, R.G. Juriansz JJ.A. and D. Lane J.	Female 61 years		*Family Law Act Claims:* wife- $70,000.00 *Special Damages* $16,906.96	PL's common-law spouse killed in MVA.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Arruda	Scarborough Hospital	2005 July 21	[2005] O.J. No. 3108	S.C.J.	J.R. Sproat J.	Male 34		*Family Law Act* Parents: $40,000 each. Sisters: $10,000 each. *Future Earnings* PL parents were 46.7% reliant on deceased, and damages would have been awarded accordingly.	Damages not awarded, but commented upon in *obiter*. Deceased presenting at hospital with chest pains, emergency room physician misdiagnosing ECG as normal -- died shortly thereafter.
Mason	Moore	2005 September 9	[2005] O.J. No. 3799	S.C.J.	W.A. Jenkins J.	Female 48 years	$90,000.00	*Cost of care*: $63,087.00 *Past loss of income*: $43,013.00 *Future loss of income*: $225,675.00 *Family Law Act claim*: Husband-$15,000.00	MVA -- pain, swelling & limitation of movement in both knees, undisplaced fracture of patella, neck & back injuries, pain in neck, back & shoulder, 3 knee injections, aggravation of symptomatic degenerative knee changes, arthroscopic surgery, ongoing headaches & pain in neck and shoulder.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Momand	Wild Water Kingdom Ltd.	2005 September 22	[2005] O.J. No. 4025	S.C.J.	H.E. Sachs J.	Female 23 years	$70,000.00	*Past and Future loss of income*: $222,803.72 *Future care costs*: $82,728.27 *Family Law Act*- Husband $12,000.00	Waterslide injury: Struck head when bumped & thrown from inner tube. Whiplash injury to neck, concussion, migraine headaches, pain in neck & shoulder, nausea, dizziness, difficulty concentrating, memory problems, pain in arm & fingers, stiffness & tingling in fingers, chronic pain syndrome, depression. Ongoing and constant headaches.
Appeal allowed in part.		2006 October 31	[2006] O.J. No. 4336	Ont. C.A. Toronto ON	R.P. Armstrong and R.A. Blair JJ.A. and J.D. Cunningham A.C.J.S.C.J. (ad hoc)			*Future care costs:* $72,728.27	Appeal allowed in part: Future care costs awarded regarding costs of Zomig medication reduced to account for expected decreased cost due to generic competition.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Barker	Montfort Hospital	2006 January 10	[2006] O.J. No. 39	S.C.J.	M.Z. Charbonneau J.	Female	$50,000.00	*Past loss of income:* $6,024.64 *Future loss of income:* $18,227 *Past cost of care:* $5,493.98 *Future cost of care:* $50,000.00 *Family law act claim:* Husband – $10,000.00	Medical negligence resulted in pain and suffering of P's surgeries, the loss of a significant portion of her small bowel, the long period of recuperation, and the resulting small bowel syndrome.
Appeal allowed. Action dismissed.		2007 April 18	[2007] O.J. No. 1417	Ont. C.A. Toronto, ON	K.M. Weiler (dissenting), R.A. Blair and P.S. Rouleau JJ.A.				TJ erred in finding causation. No evidence that the negligent delay in operating caused the loss of any additional bowel.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Moore (Litigation Guardian of) Appealed: Successful re cost issue. Damages not amended.	Wienecke	2006 February 17 2008 March 6	[2006] O.J. No. 202 2006 CARSWELLONT 974 *amending* 2006 CarswellOnt 284 [2008] O.J. No. 841	S.C.J. Ont. C.A. Toronto ON	Mesbur J. J.C. MacPherson, R.P. Armstrong and G.J. Epstein JJ.A.	Male 35 Years Old	1998 Accident $40,000 2002 Accident $60,000	1998 Accident *Loss of Future Income* $38,854 *Future Care* $3,500 *FLA claims* $1000 for each child 2002 Accident *Loss of future income* $349,689 *Future Care* $31,500 *FLA claims* $2500 for each child	Complex case involving 2 separate mva's; first in 1998 and second in 2002; plaintiff had pre-existing brain damage from previous motorcycle accident in 1991 1998 Accident -broke toe -fell down stairs as a result of the toe injury which lead to a knee injury that required surgery -continuing pain in knee and foot 2002 Accident -severe and permanent upper back pain -Grade 2 whiplash disorder
Walker	Sun Shelters Industries Inc.	2006 March 30	[2006] O.J. No. 2023	S.C.J. Brampton	N.M. Mossip J.	Female	$100,000.00	*Lost wages:* $4,334.00 *OHIP:* $1,593,38 *Family Law Act claim:* Husband - $20,000.00	Slip and fall on ice. The plaintiff hit her head twice. The injuries were permanent. Judgment given orally and no further details given.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Fragomeni	Ontario Corp. 1080486	2006 April 12	[2006] O.J. No. 1630	S.C.J.	Baltman J.	Male 71 years Wife - Female 61 years	$90,000	*Family Law Act claims:* Wife - $10,000.00 Children - $2,000.00 each *Prescription drugs, ambulance, parking, etc:* $2,316.79	The plaintiff slipped and fell in a parking lot. He suffered a skull fracture which produced frequent headaches and right-sided weakness for two months. A CT scan revealed a subdural hematoma. After another few months, when conservative treatment did not alleviate his symptoms, he underwent surgical evacuation of the hematoma by means of a burr hole drilled into his skull to effect drainage. This necessitated nine days in hospital and highly invasive surgery, followed by a substantial period of recuperation. Plaintiff was left with a significant and visible scar on his head.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Garratt Appeal allowed. Trial judgment set aside. TJ erred when she found liability.	Orillia Power Distribution Corp.	2006 April 13 2008 May 29	[2006] O.J. No. 1484 [2008] O.J. No. 2090	S.C.J. Barrie Ont. C.A. Toronto, ON	J. Ferguson J. D.R. O'Connor A.C.J.O., E.E. Gillese and D. Watt JJ.A.	Female	$75,000 reduced 15% to reflect pre-existing condition: $ 63,750	*Pecuniary:* (a) past extra employee cost of $6,549.00; (b) future extra employee cost of $27,212.90; (c) future replacement cost of Mr. Lima of $87,958; (d) future loss of private clients of $35,539.18; (e) future housekeeping and house maintenance expenses of $20,714.20 *Family Law Act* – (Husband) - $17,000	P. suffered injuries to back and neck after sudden stop in MVA. P. had pre-existing condition. Medical evidence supported necessity of plaintiff hiring additional help if she was to retain her contract with commercial client -- Plaintiff also claimed lost income regarding her inability to continue cleaning private homes as she did prior to accident
Johnson Appeal allowed re apportionment of liability	Milton (Town)	2006 July 28 2008 June 4	[2006] O.J. No. 3232 [2008] O.J. No. 2157	S.C.J. Ont. C.A. Toronto ON	G.E. Taylor M.J. Moldaver, E.A. Cronk and R.A. Blair JJ.A.	Female	$85,000	*Future Care for Wife:* $65,376 (US)	Husband and wife riding on tandem bicycle; lost control of bicycle and Town found liable for accident; husband died as a result of his injuries; wife suffered fractured pelvis and pain continues See fatal injuries for damage awards for death of husband.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Tait	Greater Niagara General Hospital	2006 November 7	[2006] O.J. No. 4479	S.C.J.	L.M. Walters J.	Male 44 years at trial. Approximately 38 at time of incident.	$200,000.	*Family Law Act claims:* Daughter - $25,000.00 Wife - $50,000.00 *Future loss of income:* $5,000.00 per year until age 55 - Present value amount agreed upon by parties	The plaintiff suffered a needle stick injury to his conus during the spinal anaesthesia performed by the defendant. The defendant failed to cease the injection when the plaintiff experienced pain. As a result the plaintiff suffered urinary incontinence, fecal incontinence, impotency, and sensory loss in his groin area. The injuries are ongoing and have resulted in humiliation to the plaintiff. He is forced to wear diapers, accidents are frequent and embarrassing. He has also suffered the loss of an intimate relationship with his wife. Prior poor health. The plaintiff had long term uncontrolled diabetes, he was morbidly obese, suffered from hypertension, sleep apnea, a heart irregularity and a blood disorder.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Fulton Appeal Dismissed	Welland	2006 December 8 2007 November 6	[2006] O.J. No. 4879 [2007] O.J. No. 4260	S.C.J. Ont. C.A. Toronto	D.S. Crane J. J.I. Laskin, S.E. Lang and R.G. Juriansz JJ.A.	Female	$25,000.00	*Loss of wages:* $5,500.00 *Out-of-pocket expenses:* $439.16 *Ministry of Health claim:* $6,608.19 *Family Law Act* claim: Husband - $3,500.00	Trip & fall incidents - The plaintiff suffered an ankle injury as a result of a second trip and fall incident. The injuries were a grade-two ligamentous strain with partial tearing of the ligament and nerve damage, initial low back strain from the first fall and re-injury of the ankle sprain in the second fall, together with some lacerations. Recovery - in excess of three years, with residual and continuing morning stiffness of the right ankle, some chronic pain from time to time and a general mild limitation of some activities. (Damages reduced by 25% due to contributory negligence).
Wright	Hannon	2007 January 9	[2007] O.J. No. 53	Ont. S.C.J.	R.S. Echlin J.	Wife and two daughters of 18 and 14 years		**Wife Barbra:** *Loss of CG&C:* $ 7,500.00 *Funeral Arrangements:* $22,011.72 *Past Pecuniary:* $5,000.00 *Future Pecuniary:* $10,000.00 **Daughter - Veronica (18**	Fatal M.V.A. Victim and estranged were legally separated for almost 4 years at the time of the accident, divorce was expected to be finalized. Children lived with mother but had strong bond with father. At the time of his death, Deceased did not intend to reconcile or in any way resume providing care, guidance and companionship to his estranged wife.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
								years): *Loss of CG&C:* $ 50,000.00 *Past Child Support:* $28,000.00 *Future Child Support:* $45,000.00 **Daughter – Virginia (14 years):** *Loss of CG&C:* $ 50,000.00 *Past Child Support:* $28,000.00 *Future Child Support:* $70,000.00	
Gordon	Greig	2007 January 23	[2007] O.J. No. 225	Ont. S.C.J.	B.A. Glass J	Male 22 years (Both PLs)	PL 1 - G: $310,000.00 PL 2 - M: $310,000.00	**PL 1 - G:** *Future care*: $8,646,900.00 *Past wage loss:* $15,100.00 *Future wage loss:* $1,871,600.00 *Management fees:* $525,925.00 *Family Law Act:*	Motor vehicle accident: PL 1—G: Severe and catastrophic brain injury and upper spinal injury. Bladder and bowel control, sense of smell, sense of taste, sense of hunger, and sense of temperature have been affected by the injuries. Placed in a halo because of upper spine and neck injuries. Requires prescribed medication in order to engage in sexual intercourse. Extreme difficulties with social, family and

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
								Mother - $75,000.00 *Family Law Act:* Father - $75,000.00 **PL 2 - M:** *Special Damages:* $74,713.78 *Past wage loss:* $55,400.00 *Future wage loss:* $2,298,320.00 *Management fees:* $447,164.00 *Future Care:* $8,880,000.00 *Housing Costs:* $374,800.00 *Family Law Act:* Mother - $75,000.00 *Family Law Act:* Father - $60,000.00 *Family Law Act:* Sister – $30,000.00	romantic relationships. Memory impacted significantly. Does not enjoy a normal life. PL 2 – M: Paraplegic. Rods inserted to brace his spine. Loss of bladder and bowel control. Underwent stem cell surgery in Portugal. Has made some progress in an intensive rehabilitation program. PL gradually advanced from having no ability to control his lower body, to being able to pull himself up to crawl. Highly unlikely will work at an income-generating career. Changes to the physical layout of the residence of Karen and Peter Morrison were undertaken to make the home more user friendly for Ryan.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Hamasni	Nagai	2007 February 13	[2007] O.J. No. 1326	Ont. S.C.J. St. Catherines Ont.	D.S. Crane J.	Male Incident: 41 years Trial: 54	$90,000.00	*Past income loss:* $650,000.00 *Future income loss:* $250,000.00 *Family Law Act Claim: Past Attendant Care:* Wife – $75,000.00 *Family Law Act Claim: Future Attendant Care:* Wife – $25,000.00 *Loss of care, guidance and companionship:* Wife – $35,000.00 Children (x2) – $15,000.00 each	Physician negligence. The physician, a nephrologist, failed to correctly diagnose an epidural abscess. The patient suffered pain, depression and failure of his business as a result of the physician's negligence. Physician did not investigate the plaintiff's complaints, assuming the pain was due to soft tissue injuries from the accident.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Smith Appeal Dismissed	Liwanpo	2007 April 23 2008 July 10	[2007] O.J. No. 1542 [2008] O.J. No. 2714	Ont. S.C.J. Ont. C.A. Toronto ON	J.N. Morissette J. W.K. Winkler C.J.O., K.N. Feldman J.A. and J.L. Lax J. (ad hoc)	Male 61 years	$100,000.00	*Loss of past income:* $80,000.00 *Loss of future income*: $55,000.00 *Family law act claim:* Wife – $25,000.00 *OHIP Subrogated Claim* $67,700.00 *Personal Expenses (wife)* $7,270.00	Malpractice action. P lost almost entire colon and a large part of small bowel. No longer able to work as shunter and be active as farmer, horseman or cattle penner. Loss of enjoyment to live due to frequency and urgency of bowel movements. Depression and fatigue impact lifestyle and employability.
MacKinnon	Grand River Hospital	2007, June 25 2009 March 27	[2007] O.J. No. 2504 Appeal dismissed: [2009] O.J. No. 1255	Ont. S.C.J. Ont. C.A.	C.A. Tucker J.	Female 48 years	$175,000.00	*Family Law Act claim*: 3 Children – $37,500.00 ($12,500.00 each) *Pecuniary Damages, past and future:* $400,000.00	Medical malpractice. Permanent, debilitating injuries including vascular and nerve damage. Cannot move her left arm or hand. In constant pain. Isolated life, having withdrawn from her family and children. Not expected to ever be able to work again.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Hill No liability - damages calculated but not awarded. Appeal dismissed.	Victoria Hospital Corp.	2007 July 16 2009 January 27	[2007] O.J. No. 2767 [2009] O.J. No. 300	S.C.J. Ont. C.A. Toronto	W.A. Jenkins J. D.R. O'Connor A.C.J.O., E.A. Cronk and E.E. Gillese JJ.A.	Female 54 at trial.	$125,000 No liability - damages calculated but not awarded.	*Special damages:* $11,022.35 *Past loss of income:* $225,000.00 *Future loss of income:* $235,000.00 *Cost of future care:* $100,000.00 *Family Law Act claims:* Husband - $25,000.00 Daughter - $25,000.00 Son 1 - $10,000.00 Son 2 - $10,000.00	Medical malpractice - Following surgery performed by the defendant, the plaintiff developed osteitis pubis, chronic pelvic pain, coccygeal pain, weakness in her legs, bladder dysfunction and more frequent seizures. As a result, she underwent Herschorn-Tile surgeries to remove the mesh inserted by the defendant and to resect her symphasis pubis. Pre-existing conditions - The plaintiff had undergone three cesarean sections, three laparoscopies, a hysterectomy, removal of a cyst from her left ovary, removal of a cyst from her bowel, removal of her right ovary, and removal of her gall bladder. In addition, she suffered from irritable bowel syndrome and epileptic seizures. Action dismissed. Appeal dismissed.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
George Action dismissed.	Covent Garden Market Corp.	2007 July 25	[2007] O.J. No. 2903	Ont. S.C.J.	K.F. Ross J.	Female 57 years	$60,000.00	*Special Damages:* $1,628.05 *Chiropractor:* $ 1,726.25 *Family Law Act Claim:* Husband – $5,000.00 *Family Law Act Claim:* Daughter – $1,500.00	Trip and fall. Injuries to her head - no fractures but sustained a contusion to her forehead and a bruise at the corner of her left eye. Small laceration to her left right and a bruise to her left forearm. Right elbow badly bruised and bruise on left shoulder. Fall made fibromyalgia worse. P had history of several prior fall and a long history of prior physical and psychological health problems. P did not established on a BoP that the D failed in its statutory duty to take reasonable care.
Plouffe	Roy	2007 September 10	[2007] O.J. No. 3453	S.C.J.	J.W. Quinn J.	Male 32 years	$5,000	*Punitive damages:* $10,000.00 *Family Law Act claim:* Common-law spouse - $1,000.00	Plaintiff was victim of sexual battery by supervisor.
Goodridge Action dismissed but assessed damages nevertheless.	King	2007 October 30	[2007] O.J. No. 4611	Ont. S.C.J.	T.A. Platana J.	Female 15 years	$55,000.00	*Family Law Act Claim:* Mother – $7,500.00	M.V.A. Blow to head, cut in right shoulder that has scared. Cuts and scratches to right side of face. Memory problems and difficulty traveling in small vehicles unless she is driving. Injury to left wrist and thus cannot do as many sports and must be careful at work as a bartender. Loss of sense of smell and taste but latter is returning in part (however J did not attribute loss of taste or smell to the accident).

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Singer Appeal dismissed.	Hamilton (City)	2007 November 5 2009 July 10	[2007] O.J. No. 4250 [2009] O.J. No. 2909	Ont. S.C.J. Hamilton, ON Ont. C.A. Toronto	W.J. Festeryga J J.I. Laskin, R.G. Juriansz and G.J. Epstein JJ.A.	Female, 78 years	$110,000.00 ($45,000.00 of which attributed to psychiatric injuries)	*OHIP: $*21,126.55 *Family Law Act Claims:* Son – $1,500.00 3 Grandchildren – $500.00 each	Badly broken femur. Attempted suicide because of the combination of her grieving the loss of her husband and the fracture of her leg, which caused her pain and immobility. Suffered major depressive episode which is said to have been "triggered" by the fracture. 14 cm scar on right knee. Appeal dismissed.
Schneider Appeal allowed - Trial judgment set aside.	St. Clair Region Conservation Authority	2007 December 3 2009 September 9	[2007] O.J. No. 5325 [2009] O.J. No. 3667	Ont. S.C.J. Ont. C.A. Toronto	W.U. Tausendfreund J. K.N. Feldman, E.E. Gillese and P.S. Rouleau JJ.A.	Female, Mid-40s	$90,000.00	*Special Damages:* $20,170.00 *Family law act claim:* Husband – $5,000.00	Serious right-ankle injury while cross-country skiing. P was a former elite athlete and her sporting activities were dramatically affected by the accident and her activities would remain limited. Cannot walk for more than 15 mins at a time. Appeal allowed - Trial judgment set aside.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
St. Prix-Alexander	Home Depot of Canada Inc.	2008 January 4	[2008] O.J. No. 25	Ont. S.C.J.	B.J. Manton J.	Female, 34 years	$75,000.00	*OHIP subrogated claim:* $16,162.25 *Babysitting:* $6,970.00 *Loss of competitive advantage:* $400,000.00 *Family law act claim:* Husband- $20,000.00	Struck in the head and neck area with a heavy box. May have lost consciousness briefly. Suffered pain in her neck, shoulder, upper body, and chest. Sustained a major injury to her cervical spine causing her pre-existing spinal condition to become symptomatic. The injury also resulted in spinal cord compression in plaintiff's neck, resulting in permanent effects on her spinal nerves, causing slight weakness of the left upper limb and slight sensory symptoms in the left side of her body. P's testimony was not credible at times.
Thornhill (Litigation Guardian of)	Shadid	2008 January 31 Additional reasons re non-wage benefits, costs, and protected-unprotected defendants and apportionment issues 2008 May 20	[2008] O.J. No. 372 [2008] O.J. No. 2001	S.C.J. Newmarket, Ontario	P.H. Howden J.	Female 30 years	$225,000.00	*Past loss of earnings*: $106,232.00 *Future loss of earnings:* $932,300.00 *Additional loss re surgery:* $23,300.00 *PV of future pension losses:* $29,200.00 *Future care costs:* $481,500.00 *Moving costs:* $17,800.00	Motor vehicle accident. Contusion over her left shoulder, fractured ribs, a fractured right arm, a laceration over her right knee and, most significantly, open fractures to two of the three principal components of her right knee. Knee injury very severe. Serious permanent limitations and arthritic changes in the joint restrict her to part-time sedentary work and few activities. Endured six surgeries. Expected to undertake more over the next two decades.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
								Family Law Act Claims: Husband - $35,000.00 Son- $25,000.00	
Irvine (defendant by counterclaim) Both actions dismissed. Damages assessed nevertheless.	Smith (plaintiff by counterclaim)	2008 February 15	[2008] O.J. No. 547	Ont. S.C.J.	H.A. Rady J.	Claim #1: Father of deceased. Claim #2: Male	Claim #1: Not assessed. Claim #2: $40,000.00	Claim #1: Not Assessed. Claim #2: *Past loss of income:* $43,000.00 *Future loss of income:* $300,000.00 *Property Damage to Truck:* $5,000.00 *Family law act claim:* Mother – $7,500.00	Son of the Plaintiff (now deceased) began to experience psychiatric symptoms and was not taken to the doctor. The son ran away twice in the same night, the second time which he jumped in front of a truck while walking along the highway and was killed. Claim #1: Plaintiff's argue the driver of the truck did not take reasonable steps to avoid the accident. Liability not found – D acted reasonably. Claim #2: Counter claim: Defendant argues that the father, a medical doctor, should have had his son taken to hospital after the initial psychiatric episodes. Suffers from mild case of post-traumatic stress disorder. Left his job on a road crew and mother claims loss of CG&C.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Lawrence Estate Appeal dismissed. Trial judgment upheld.	Alexander	2008 March 4 2009 December 8	[2008] O.J. No. 820 [2009] O.J. No. 5238	S.C.J. Ont. C.A. Toronto, Ontario	A.C.R. Whitten J. K.N. Feldman, R.P. Armstrong and G.J. Epstein JJ.A.	Female	$10,000.00	*Special Expenses:* $10,000.00 *Family Law Act (Loss of care, guidance and companionship):* Wife - $70,000.00 *Dependency Claim and Household Assistance Claim:* $160,000.00	No liability – damages calculated but not awarded. Alleged medical malpractice on the part of the defendant doctor who performed a gall bladder operation on the deceased who later developed jaundice, necrotizing pancreatitis, and septic shock resulting in his death.
Lazare	Harvey	2008 March 11	[2008] O.J. No. 934	Ont. C.A. Affirming decision by jury at S.C.J.	I. Laskin, S.E. Lang and R.G. Juriansz JJ.A.	Female 21 years	$290,000.00	*Past Income Lost:* $30,000.00 *Family Law Act:* $43,300.00	Lower left leg injury led to a condition called lymphedema, which compromises the lymphatic system in the lower leg.
Huinink (Litigation guardian of) Action dismissed but costs assessed nevertheless.	Oxford (County)	2008 April 7	[2008] O.J. No. 1317; 166 A.C.W.S. (3d) 399	Ont. S.C.J.	J.N. Morissette J.	Female - *Injury:* 4 months *Trial:* 9 years	$310,000.00	*Future income loss:* $609,228.00 *Loss of income replacement:* $129,518.00 *Past care costs (agreed)* $38,695.56 *Future care costs (agreed)* Initial care costs -	Medical Negligence. 9 yrs post-surgery, PL suffered disabilities including left hemiparesis with constricted limbs, no functional use of her left hand and arm, and difficulties walking. Seizure disorder, and significant cognitive and behavioural deficits; minimal educational potential; permanently unemployable and incapable of independent living. Action dismissed - no causation.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
								$33,000.00 To age 21 – $145,000.00 /yr From age 21 to life – $113,500.00 /yr *Family Law Act:* Mother - $175,000.00 *Family Law Act:* Father - $100,000.00	
Singleton	Leisureworld Inc.	2008 April 14	[2008] O.J. No. 1447	S.C.J.	P.C. Hennessy J.	Female 77 years		*Family Law Act claims:* Children - $30,000.00 each (4 children) Grandchildren - $10,000.00 each (6 grandchildren)	77-year-old woman died in nursing home. Children and grandchildren granted default judgment against nursing home.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Kenny	Mastromatteo	2008 June 23	[2008] O.J. No. 2485	S.C.J. Hamilton	T.R. Lofchik J.	Plaintiff 1 -- Female; Plaintiff 2 -- Male	Plaintiff 1: (Sister) $20,000 Plaintiff 2: (Brother) $10,000	Plaintiff 1: *Loss of income:* $20,000.00 *Out-of-pocket expenses:* $1,277.60 *Treatment (present & future):* $2,500.00 Plaintiff 2: *Loss of income:* $10,000.00 *Cost of attendance at trial:* $1,000.00 *Family Law Act claims:* Son of Plaintiff 1 - $ 2,500 Sister of Plaintiff 1 - $1,500.00 (For assisting in care of son)	As a result of an assault, plaintiff 1 suffered pain to her arm, head, neck, shoulders and hip. Plaintiff 1 also suffered from nervous shock and has had psychological sequelae to the assault which required psychiatric treatment. Prior to the assault, plaintiff 1 suffered from degenerative disc disease in her back and had all but recovered from a previous neck and back injury. As a result of the attack, she had a recurrence of pain in her neck, shoulders and mid-back, causing continuous headaches and impaired movement. She has undergone physiotherapy and attends a pain management clinic. Plaintiff 2 suffered lacerations to his face resulting in a small scar. The assault also had a psychological impact on the Plaintiff.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Cartner Appeal dismissed. Trial judgment upheld.	Burlington (City)	2008 July 29 2010 June 7	[2008] O.J. No. 2986 [2010] O.J. No. 2404	S.C.J. Ont. C.A. Toronto, Ontario	M.G.J. Quigley J. J.M. Simmons, E.A. Cronk and H.S. LaForme JJ.A.	Female 52 years	$120,000.00	*Special Damages for Loss of Past and Future Income Earning Capacity:* $190,000.00 (Discounted by 10% for a total of $171,000.00) *OHIP Subrogated Claim:* $19,064.01 *Family Law Act Loss of Care, Guidance and Companionship:* Husband – $20,000.00	Slip and fall accident causing a severe fracture to the PL's right femur. PL suffers from continuous knee pain, accelerated osteoarthritis in knees, and required knee replacement surgery. PL could only perform 50% of pre-accident activities. Loss of past and future income damages reduced by 10% for failure to mitigate.
S.L. (*Leskovar* in Westlaw)	N.B. (*Braithwaite* in Westlaw)	2008 October 15	[2008] O.J. No. 4013	Ont. S.C.J.	M.H. Tulloch J.	Male 17 years	$200,000.00	*Punitive Damages:* $50,000.00 *Family Law Act claim*: Mother - $35,000.00	Brutal swarming attack. Skin graft to right arm. Broken nose and right testicle had to be removed. Required 30 stitches to his face, 30-35 stitches to his head, and about 10 stitches to his leg. Pain in head and arm continued 2-3 yrs. Pain in groin not resolved. Unable to maintain regular employment or attend school since the attack.
Skocir	Premier Fitness Clubs (Yorkdale) Inc.	2008 November 7	[2008] O.J. No. 4453	Ontario Superior Court of Justice	D.A. Wilson J.	Female 73 years	General damages: $110,000.00	OHIP: $5,372.15 FLA claim of Husband: $17,500.00 FLA claim of Sons: $12,500.00 each	Extensive bruising to her left arm, a gash encircling the left ankle, and a laceration on her right calf in front. During 2 month recovery required the help of family to walk. Use of walker and cane were required in

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
								FLA claim of Daughter: $5,000.00 Past housekeeping: $11,250.00 One time care costs: $2,832.24 Present value of future care costs: $30,031.42 Future housekeeping to age 75: $4,190.00	later stages of recovery. Restricted range of movement and chronic pain in her left arm and shoulder. Chronic pain, nerve damage and scaring in legs, ankles, and feet. Crepitus in the right knee. Limited in leisure, social, and household activities. Help required from family in daily activities. Self-conscious of appearance due to visible scaring on legs, ankles, and feet.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Lafond	Roksa	2008 December 3	[2008] O.J. No. 4887	Ontario Superior Court of Justice Hamilton	W.J. Festeryga J.	Male 54 years (FLA) Spouse Female 43 years	General damages: $95,000.00	Past loss of income: $227,596.10 Future loss of income: $113,000.00 FLA claim: Common-law spouse - $7,500.00	Plaintiff suffered comminuted fracture of the left orbital floor with significant depression extending to the anterior orbital rim. The fragment is depressed by approximately five millimetres. Permanent loss of sight in the left eye due to severe injury to his left optic nerve. Severe bruises to the face and headaches. Prior to the incident the plaintiff's health was poor. After the incident, the male plaintiff was unable to work full-time and was off work for five months.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Randall (Litigation guardian of) No liability - damages calculated but not awarded.	Lakeridge Health Oshawa	2009 February 17	[2009] O.J. No. 683	S.C.J.	B.A. Glass J.	Male (At birth)	$275,000.00 No liability - damages calculated but not awarded.	*Family Law Act claims:* Father - $60,000.00 Mother - $60,000.00 *Future wage loss:* $1,562, 860.00 *OHIP:* $81,007.34 + $447.57/year in future. *Past Attendant Care:* $300,000.00 *Future care costs:* (See case for extensive and significant list.)	Medical malpractice - At birth plaintiff was deprived of oxygen for several minutes resulting in significant brain damage, cerebral palsy, quadriplegia, developmental disorder & delays, difficulty speaking & walking. The plaintiff also experiences seizures. Life expectancy set to age 65. Action dismissed.
Leighton	Best	2009 May 21	[2009] O.J. No. 2145	S.C.J. North Bay	R.A. Riopelle J.	Male 34 years at trial	$35,000.00	*Family law act claim:* Wife – $3,000.00 *Special damages:* $288.32 *Future care costs:* $2,800.00	The defendant punched the plaintiff in the face during a hockey game. The plaintiff suffered a concussion, 3 fractures in his jaw, a displaced fracture of his mandible. As a result he underwent closed reduction jaw surgery requiring his jaw to be wired shut. The plaintiff lost 25 pounds and suffers from jaw pain and fatigue, an altered occlusion, space between his front teeth, and clicking of his TM joint. He may require an intra-oral stabilization orthotic, which will require adjustment periodically.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Bain	Black & Decker Canada (1989) Inc.	2009 May 27	[2009] O.J. No. 2163	S.C.J.	C.R. Harris J.	Female	$35,000.00	*Special Damages:* $35.00 *OHIP Subrogation:* $1,413.90 *Family Law Act Loss of Care, Guidance and Companionship:* Husband- $1,500.00 Child 1 – $1, 500.00 Child 2 – $1, 500.00 Child 3 - $1,500. 00	PL sustained an electrical burn from a defective hair-dryer. Burn injury required a tetanus vaccination and resulted in chronic pain and tingling in small finger and palm of PL's right hand. Chronic pain in PL's right hand palm interferes with PL's daily living, work and leisure activities. PL also requires the use of a hand brace for lingering pain and discomfort.
Goody	Costco Wholesale Corp.	2009 July 17	[2009] O.J. No. 3025	S.C.J.	E.R. Kruzick J.	Female 53 years	$50,000.00	*Past Income Loss:* $50,736.00 *Future Income Loss:* $67,500.00 *Family Law Act Loss of Care, Guidance and Companionship:* Husband – $7, 500.00	Trip and fall accident. PL injured both her knees, hip and back. Incident contributed to plaintiff's chondromalacia. 25% damage reduction for pre-existing medical condition (prior knee and back problems). Damages for future income loss reduced by 10% due to uncertainty as to whether plaintiff would work until 65 years of age.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Watts	Donovan	2009 May 28	[2009] O.J. No. 2208	S.C.J.	J.R. MacKinnon J.	Female 29 Years	$95,000	*Loss of Future Income:* $60,000 *Housekeeping Assistance:* $10,000 *Family Law Act:* Husband - $10,000 (Loss of care guidance and companionship)	MVA causing whiplash and mild brain trauma. Poor sleep, chronic pain, P.T.S.D., and emotional vulnerability. Thin skull.
Degennaro	Oakville Trafalgar Memorial Hospital	2009 July 2	[2009] O.J. No. 2780	Ont. S.C.J.	D.K. Gray J.	Female 40 Years	$175,000	*Loss of Past Income:* $308,100 *Loss of Future Income:* $793,900 *Future Cost of Care:* $1,680,000 *Family Law Act:* Husband - $65,000 1st Son - $25,000 2nd Son - $25,000	Accident caused by faulty folding bed, resulting in cracked sacrum. Long term pain requiring medications. Fibromyalgia from a later MVA (thin-skull). Condition caused marital stress, strained relationship with children, and was unlikely to improve.
Appeal (by Hospital) allowed in part		2011 April 26	[2011] O.J. No. 1836	Ont. C.A.	H.S. LaForme, Paul Rouleau, David Watt JJ.A.			*Future Cost of Care:* $1,305,000	Trial Judge erred in declaring future cost of care damages as undisputed and failed to critically analyze the value of these damages. C of A analyzed evidence and reduced the damages by $375,000

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Musselman	875667 Ontario Inc. (c.o.b. Cities Bistro)	2010	[2010] O.J. No. 2325	S.C.J.	R.D. Reilly J.	Female 71 years	$326,000 *Family Law Act:* Husband - $85,000 Daughter 1 - $30,000 Daughter 2 - $48,000 Son - $48,000 Grand-daughter - $22,000 Grand-son - $5,000	*Future Care:* $1,000,000 *Special Damages:* $828,000 *Family Law Act:* Husband - $100,000 (*Loss of Household Services)* $670,000 (*Special Damages*) $85,000 (*Loss of Care and Companionship*) Daughter 1 - $56,453 (*Special Damages*) Daughter 2 - $17,597 (*Special Damages*) Son - $48,000 (*Special Damages*)	Slip and fall. Dangerous stair conditions. Serious fracture of the second cervical vertebrae causing quadriplegia. Life expectancy halved.
Appealed by Plaintiff.		2012 January 24	[2012] O.J. No. 649	Ont. C.A.	Doherty, LaForme and Hoy JJ.A				Appeal on basis that trial judge should have considered Defendant to be an occupier, potentially increasing the damage award. Unsuccessful. Damages not amended. Costs awarded to Defendant at $25,000.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Fiddler Appeal allowed in part.	Chiavetti	2010 March 19	[2010] O.J. No. 1159	Ont. C.A. Toronto, Ontario	S.T. Goudge, E.A. Cronk and H.S. LaForme JJ.A.	Female Daughter	N/A	*Family Law Act:* Mother - *Past Wage Loss:* $22,000.00 *Future Wage Loss:* $6,000.00 per year for 12 years *Loss of care, guidance and companionship:* $200,000.00 (Reduced to $125,000.00 on appeal) Father – *Loss of care, guidance and companionship:* $50,000.00 Sister – *Loss of care, guidance and companionship:* $25,000.00 *Funeral Expenses:* $1,457.96	Fatal MVA. Award to the deceased's mother for loss of care, guidance and companionship was reduced on appeal from $200,000.00 to $125,000.00.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
James	Harper	2010 August 30	[2010] O.J. No. 4373	Ont. S.C.J.	DiTomaso J.	Male 46	$200,000	*Aggravated Damages:* $10,000 *Lost wages and out-of-pocket expenses:* $21,530.90 *Loss of competitive advantage:* $50,000.00 *Subrogated OHIP claim:* $36,850.19 *Family Law Act Claim (Wife):* $30,000 *Family Law Act Claim (2 children):* $15,000	Defendant struck plaintiff on the right side of the head with a hammer, dragged him across a driveway by his legs, and kicked him repeatedly in the face. General Damages: Serious head trauma resulting in chronic pain causing nausea, headaches causing nausea, up to 25 migraines per month. Plaintiff suffers from dysphasia. Developed extreme sensitivity to cold and must wear hat even in summer. Diagnosed with a significant brain injury with reduced attention span and memory loss. He suffers from irritability, mood swings and depression. He suffers problems with eye-hand co-ordination and positional vertigo. Feels a loss of sensation on the left side of his body and face. Suffers from PTSD, lives in constant fear of reinjuring his head, no longer enjoys sexual intercourse. Aggravated damages: Because of the vicious and the brutal assault plaintiff is entitled to aggravated damages

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Margeson	Moreau	2010	2010 ONSC 6371 [2010] O.J. No. 4985	S.C.J.	DiTomaso J.	Male 32 years	$125,000	*Aggravated Damages:* $25,000 *Past Lost Income:* $77,133.44 *Future lost income:* $70,000 *Future Care Expenses:* $56,100 *Subrogated OHIP claim:* $16,788.93 *Family Law Act*: $37,500 *Trial Costs*: $15,000	Plaintiff assaulted by defendants. Suffered permanent back and neck injuries resulting in chronic pain, sleeping difficulties and depression. Plaintiff now works at a diminished capacity, has a more troubled relationship with his wife, cannot do much physical activity with his son and is largely incapable of doing house maintenance that he previously did.
McDonald	Kwan	2010	2010 ONSC 5861 [2010] O.J. No. 4511	S.C.J.	Eva Frank J.	Male 36 years	$98,000 (70% of $140,000)	*Future income loss:* $579,612 *Loss of housekeeping capacity*: $66,500 *Family Law Act*: $12,000	Plaintiff's car hit by defendant's car. Plaintiff subsequently involved in two car accidents. Suffered chronic back and neck pain and extreme depression. 70% attributed to first accident. Plaintiff forced to leave work on long-term disability due to mental and physical damage.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Nicolas	Bowers	2010 April 7	[2010] O.J. No. 1354	Ont. S.C.J.	Gans J.	Female	$55,000	*Loss of Income:* $4,250 *Family Law Act Claim* *Husband* - $20,000	Following MVA, the plaintiff suffered from chronic pain which was triggered when she sat for long periods of time without moving. She was no longer able to share bed with usband on day-to-day basis, long car trips and employment were difficult, and so was entertaining. All damages reduced by 15% for contributory negligence.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Wilson	Beck	2011	[2011] O.J. No. 3175	S.C.J.	J. N. Morissette J.	Male 34 Years		Wife: $85,000 Children (3): $65,000 each Mother: $30,000 Brother: $20,000 Father: $15,000 All discounted by 25% as contingencies for mortality and morbidity factors	Claim by wife, children and extended family of deceased for medical malpractice damages. Family doctor did not test for a bacterial infection or schedule a follow-up appointment when the deceased came to the doctor with pink eye. Nurses in the emergency room did not record his symptoms when he came to the ER with sudden shoulder pain and flu-like symptoms. The ER doctor did not notice the SARS form completed as a result of the flu-like symptoms. The EMS attendants failed to take the deceased to the hospital or take his vital signs when he called 9-1-1 because of shortness of breath. Liability was apportioned 20/20/25/35 per cent for the nurses/EMS/family doctor/emergency room doctor. Loss of support decreased because wife re-married.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Kent (Litigation Guardian of)	Laverdiere	2011 September 16	[2011] O.J. No. 4185	Ont. SCJ	D.A. Wilson ,J	Female 11 years	$125,000	*Future loss of income/ loss of competitive advantage: $100,000* *Family Law Act Loss of Care, Guidance and Companionship: Mother – $15,000* *Sister – $5,000*	Plaintiff, grand-daughter of Defendant, entered dog pen with multiple dogs bred and owned by her grandmother. Dogs attacked. Plaintiff injuries include skin ripped off her leg, scarring. Damages reduced by 25% due to contributory negligence by the Defendant.
(Meady, con't)						P12: Female 29 years	P12: $70,000	*P12: Loss of Future Housekeeping: $25,000* *P12: Special Damages: $6,179.08*	P12: pregnant at time of accident. Ankle, neck and lower back pain leading to chronic pain. Physiotherapy required.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Tubis	Zochowski	2011 Oct 7	[2011] O.J. No. 4408	Ont. SCJ	Lederer, J.	Female 79 years	$60,000	*Pecuniary:* $6,400 *Family Law Act Claim – Husband*: $10,000 *Family Law Act Claim – Son*: $2,000 *Loss of Income* – Son: $15,000	Internal bleeding of the head, loss of consciousness, fractured rib, broken front teeth resulting in extraction and bridge, facial fractures, multiple lacerations and abrasions to body. All resulting in chronic pain. Fatigue and insomnia. Behavioural changes. Difficulty with speech. Postraumatic headaches. Depression and stress.Inability to care for self and need for constant supervision. Plaintiff sought default judgment due to undefended claim, court awarded.
Savoni-Benard	Mundle	2011 October 7	2011] O.J. No. 4765	Ont. SCJ	Gates, J.	Female 22 years	$60,000	*Family Law Act Claim – Husband*: $10,000	Plaintiff delivered via caesarean. After the surgery, plaintiff suffered Internal bleeding undetected by attending physician. This complication required emergency surgery, resulting in a partial hysterectomy. Plaintiff is no longer capable of having children. Defendant not found negligent but Court did find damages due to loss of fertility for the Plaintiff. Costs to be awarded to Defendant, if demanded.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Bush	Friedman	2011 September 22	[2011] O.J. No. 4625	Ont. SCJ	R.D. Reilly, J	Male 39 years	none	Family Law Act Claim – Father: $60,000 Mother: $60,000 Brother: $15,000 Sister: $15,000	Action brought by family of deceased. After indicating phsycial discomfort to family doctor, deceased was examined for potential gastrointestinal issues or food poisoning. After several attempts at diagnosis, died from a brain aneurism. Court found the death was not the result of medical malpractice or negligence, and so Defendants not liable. However Court did recognize damages suffered. As Defendants did not seek costs, none awarded.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Kirwan	London (City)	2011 November 22	[2011] O.J. No. 5597	Ont. SCJ	Liederman, J.	Female 58 years	$50,000 + 5% Pre-judgment Interest	*Family Law Act Claim – Husband*: $15,000 + 5% Pre-judgment Interest *Out-of Pocket Expenses*: $5,707.65 + 1.3% Pre-judgment Interest *Cost of Future Doctor Visits*: $1,426.14 *Past Loss of Housekeeping, Home Maintenance Capacity, Past Cost of Care, Future Loss of Care and Past Loss of Capacity to Provide Transport to Daughter*: All to be re-calculated by the parties due to mistakes made by the Plaintiff – exchange rate, hourly rates and life expectancy must be re-assessed because the Plaintiff lives in Ireland.	Plaintiff fell on uneven sidewalk in Defendant city. She injured her left hand, resulting in severe cuts and stitches. Plaintiff wedding ring and eternity ring were cut off at the hospital. Required plastic surgery, and may need surgery for the implantation of an artificial joint. Loss of full range of motion. Physical therapy required. Plaintiff was visiting from Ireland.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Enros	Adelaide Investments	2012 February 1	[2012] O.J. No. 429	Ont. SCJ	MacKenzie J.	Male 34 years	$50,000	*Loss of Income*: $36,500.00 *Family Law Act Claim – Wife*: $3,000 *Costs*: $12,000 + disbursements of $2,517	Plaintiff was attacked in a bar by three men. Assault resulted in bruusing and swelling to head and upper body, comminuted fracture to ankle. Ankle required surgery, then metal plate and screws. Plaintiff was bedridden with cast, and suffers continued pain. Physiotherapy required. Loss of full range of motion. The three assailants left bar after the assault and were never identified. Defendant is the corporate owner of the bar where assault occurred.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Riehl	Hamilton (City)	2012 June 5	[2012] O.J. No. 2491	Ont SCJ	Cavarzan J.	Female 41 years	$75,000	*Past Lost Income: $5,324.64* *OHIP Charges: $1,913.27* *Out-of Pocket Expenses: $255.89* *Past Housekeeping Assistance: $1,200* *Future Wage Loss: $30,000* *Family Law Act Claim – Husband: $1,000* *Costs: Awarded to Plaintiff*	Plaintiff tripped and fell on a roadway. She fractured her tibia, requiring a full leg cast, and loosened her two front teeth. Plaintiff's pre-existing osteo-arthritis accelerated by fall, projected to require future knee replacements. 25% deduction to damages for contributory negligence of Plaintiff.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.				A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries.
						P1: Female 70 years	P1: $45,000	*P1: Loss of Housekeeping: $3,000* *P1: Special Damages: $250*	P1: stitches to head and leg, cast then crutches, headaches, knee pain.
						P2: Male 37 years	P2: $50,000	*P2:Family Law Act Claim – Wife: $10,000*	P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain.
						P3: Female 30 years	P3: $30,000	*P3: Family Law Act Claim – Husband: $10,000*	P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety.
						P 4: Male 28 years	P4: $60,000	*P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder.
						P5: Male 33 years	P5: $20,000		P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Fulcher	Conklin	April 8, 2013	[2013] O.J. No. 2668	S.C.J.	Sanderson J.	Male 44 years	$100,000	*For loss of earning capacity:* $670,000 *For loss of housekeeping + future maintenance:* $30,000 *Physiotherapy costs:* $6,910.66 *Family Law Act:* Son - $17,5000 *Per quod claim:* $43,623.75	Motor vehicle accident. Whiplash, back pain due to a compressed nerve. Required surgery which resulted in spasms and intense pain. Reduction of damages by 50% due to plaintiff's vulnerable back that would have been further herniated and required surgery.
Appeal Dismissed		October 20, 2014	[2014] O.J. No. 4888	ONCA	Strathy C.J.O., Rouleau and Hourigan JJ.A.				Appellant claimed trial judge had no basis for awarding the quantity of loss of earning capacity. Appeal dismissed.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Lee (Litigation Guardian of)	Toronto District School Board	March 14, 2013	[2013] O.J. No. 1157	S.C.J.	Lauwers J.	Male 7 years	General Damages $300,000.00	*Future Care Costs:* $2,687,442 *Loss of Income:* 1,864,021 *Family Law Act claims:* Parents $50,000 each *Family Law Act claims:* Sister $30,000	Suffered brain haemorrhage after blow to head. Some paralysis in left arm and left leg. No functionality in his left hand. Vision field limitations on the left side in both eyes. He has some cognitive impairments such as delayed processing speed, problems finding words, lacks the ability to concentrate. He has depression and anxiety. Damages discounted 17.5% because of pl.'s diagnosed with AVM. Reduction does not apply to general or *Family Law Act* damages.
Tomeh	Cheah	November 14, 2013	[2013] O.J. No. 5177	SCJ	Matheson J.	Male 44 years	$30,000	*Loss of income:* $42,367 *Special Shoes:* $2,745 *Family Law Act claim:* wife $5,000	Nerve tumor in plaintiff foot was misdiagnosed as a ganglion cyst. Defendant failed to give plaintiff proper informed consent regarding the surgery which amounted to battery. Plaintiff experienced considerable pain and suffering. Problems with balance, lack of sensation, pain and swelling. Requires regular painkillers.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Grayling	Haldimand	January 17, 2014	[2014] O.J. No. 239	SCJ	Lofchik J.	Female 49 years	$50,000	*Future care costs:* $144,530 *Loss of income to date*: $9,000 *Loss of future income:* $12,000 *Family Law Act claim:* Husband 10,000 *Special Damages: to OHIP 657.34*	Fracture in greater tuberosity in the shoulder joint and a full thickness tear of the rotator cuff. Physically she cannot apply pressure through her right arm, lift or carry heavier items or complete repetitive arm movements against resistance or sustain her arm overhead for periods of time. Grayling is not able to maintain both work and household responsibilities due to her arm/shoulder strain and fatigue. Reduction of damages by 50% due to pl.'s contributory negligence.
Klurfeld	Nova Quest Logistics Inc. at al.	March 10, 2014	[2014] O.J. No. 1172	SCJ	Fragomeni J.	Male	$125,000	*Future cost earnings:* $799,100.00 *Future Care Costs:* $6,100.00 *Family Law Act claims:* Wife $30,000	Left tibia and fibula fracture, together with a spraining, straining, and tearing of the muscles, tendons, ligaments and nerves throughout his body. The injuries were accompanied by dizziness, shock, anxiety, depression, emotional trauma, chronic pain, insomnia, weakness, diminished energy and stiffness which continue to the present and will continue into the future. Undefended trial.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Saisho	Loblaw Cos.	2014 March 26	[2014] O.J. No. 1475	Ont. S.C.J.	F.B. Fitzpatrick J.	Male 90 years	$160,000	*Subrogated claim from OHIP: $262,601.10* *Family Law Act Claim*: Wife $55,000	Plaintiff was struck by a shopping cart. Damage to his cervical column rendered him a spastic quadriplegic, made it difficult to breath significantly increasing risk for death by aspiration, and more susceptable to blood clots. Catheterized bladder increased risk of infection. Plaintiff required assistance for every aspect of daily living, suffered from cramps and had difficulty sleeping. He remained in the hospital for two years until his death. Pre-existing hypertension and narrowing of the cervical spine would have put him wheelchair bound for the future but not as a quadriplegic.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Dickie	Minett	September 14, 2012	[2012] O.J. No. 4314	SCJ	Bielby J.	Male	$35,000	*Loss of past income:* $10,526.88 *Loss of past income for wife:* $651.48 *Out-of-pocket Expenses:* $287.62 *Surgical Costs:* $424.73 *Subrogated claim from OHIP:* $2,240.45 Family Law Act claim: Wife $3,500.00	Oral surgeon fractured jaw while taking out wisdom tooth. This resulted in pain and having his jaw wired shut for 8 weeks. There is permanent numbness, from nerve damage, to the right side of the lip and chin.
Appeal Dismissed		April 3, 2014	[2014] O.J. No. 1607	ONCA	Rosenberg, Gillese and Strathy JJ.A.				Appeal dismissed. Trial judge did not err.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Lutes	Air Canada	2014 May 14	[2014] O.J. No. 2382	Ont. S.C.J.	R.D. Reilly J.	Female Adult	$110,000,	*Special Damages*: $46,497 *Past Loss of Income*: $168.000 *Future Loss of Income and Pension*: $600,000 *Family Law Act: Husband* $25,000 *OHIP*: $3,000	Plaintiff was a passenger on a flight that had a jarring impact upon landing. Plaintiff suffered headaches and chronic pain in her back. Conditions may never resolve.
Nicholson	Shreve	2014 June 3	[2014] O.J. No. 5610	Ont. S.C.J.	Toscano Roccamo J.	Male 29	$150,000	*Past Loss of Income*: $63,652 *Future Loss of Income*: $2,000,000 *Family Law Act Claim: Parents* $30,000	Defendant cut himself and Plaintiff with the same blade during professional wrestling match. Plaintiff contracted Hepatitus C, which caused WWE to revoke professional wrestling contract they had offered.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Doxtater	Farrish	2014 July 16	[2014] O.J. No. 3411	Ont. S.C.J.	J.M. Morrissette J.	Female 35	$100,000	*Loss of Competative Edge*: $50,000 *Family Law Act Claim*: *Husband* $15,000 *Family Law Act Claim: Two Children* $15,000 each	Plaintiff was in motor vehicle accident. Plaintiff suffered from bruising and injuries all over her face and body from broken glass; lesions on her legs, chest, abdomen, and neck; persistant pain in her right shoulder, right chest, neck, right knee, and lower back, memory and concentration difficulties, mild tramatic brain injury; and anxiety and major depression disorder. She has decreased desire for social or recreational activity. Plaintiff's impairments are permanent.
Toolsieram	2235506 Ontario Inc. (c.o.b. Milton Medical Centre)	2014 Octoer 16	[2014] O.J. No. 5014	Ont. S.C.J.	André J.	Female Adult	$25,000	*Past Expenses:* $596 *Future Care Costs:* $5,000 *Family Law Act: Husband* $1,500	Plaintiff underwent hair removal process on her face. Plaintiff suffered from first and second degree burns that left permanent scarring and impacted her relationship with her husband.
Prentice	Thames Valley District School Board	2015 January 30	[2015] O.J. No. 437	Ont S.C.J.	A.D. Grace J.	Female	$80,000	*Family Law Act Claim: Mother* $62,489 *Family Law Act Claim: Grandmother* $8,000	Plaintiff was sexually assaulted in school washroom. Plaintiff is a special needs student. Sexual assault has had a significant negative impact on her.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Bhatt (Litigation guardian of)	William Beasley Enterprises Ltd.	2015 June 12	2015 ONSC 2168 255 ACWS (3d) 249	Ont. S.C.J.	Faieta J.	Male 11 years	$140,000	*Special damages:* $3,112.23 *Future pecuniary:* $30,581 *Family Lac Act claim (mother & father):* $30,000 each *Future pecuniary (mother & father):* $21,000	Plaintiff was struck by an amusement park ride while waiting to board with his father. Plaintiff suffered a fractured right tibia and fibula. Plaintiff suffered from a pre-existing condition: intermediate form of osteogenesis imperfecta and had suffered numerous prior fractures. His right leg was shorter before the accident and even shorter after. Plaintiff's gait changed following the accident and would require corrective surgery once he stopped growing. Plaintiff was found to rely on the use of a walker. A counterclaim against the father for contribution and indemnity was dismissed.
Silvera	Olympia Jewellery Corp.	2015 June 16	2015 ONSC 3760 [2015] OJ No 3225	Ont. S.C.J.	Glustein J.	Female 42 years	$90,000	*Punitive damages:* $10,000 *Human Rights Code violation:* $30,000 *Future Care Costs:* $42,750 *Subrogated OHIP claim:* $37.18 *Loss of future income:* $57,869.13 *Family Law Act claim (daughter):* $15,000	Plaintiff was sexually assaulted by her workplace supervisor and was subsequently terminated. Plaintiff endured psychological pain and suffering as a result. Her relationship with her daughter deteriorated and she was unable to look for work due to her psychological condition. She can no longer work with men. Plaintiff had been sexually abused as a child and suffered from depression. Defendants did not appear at trial.

Loss of Guidance, Care and Companionship (This is not an exhaustive table in itself - please refer to the appropriate tables above for more assistance)									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Loss of companionship/ Family Law Act claim**	**Comments**
Foniciello	Bendall	2016 February 17	2016 ONSC 1119 263 ACWS (3d) 937	Ont. S.C.J.	J.R. Henderson J.	Male 44 years	$275,000	*Future loss of income:* $524,229 *Past medical expenses:* $51,282 *Future medical expenses:* $1,899,969 *Attendant Care Expenses:* $765,411 *5% Management Fee*: $175,794 *Future care costs (sister):* $10,543 *Value of services provided (sister):* $122.254 *Family Law Act Claim (sister):* $50,000 *Family Law Act Claim (mother):* $25,000 *Family Law Act Claim (2 children):* $40,000 each	Welder. MVA (Motorcycle). Plaintiff was semi-conscious for 5 months following the accident. He suffered from a diffuse axonal injury and injury to the frontal and temporal lobes. Plaintiff had no ongoing physical impairments, but did suffer from permanent cognitive, intellectual and behavioural impairments. Plaintiff had ongoing problem with perseveration and anosognosia. He was found to be incapable of gainful employment and to require a caregiver. Future care costs were also awarded to the sister of the injured. She was found to have suffered from traumatic neurosis and psychological counseling was deemed necessary. She was also compensated for the extensive care services that she provided to her brother.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Miller	Moulure Alexandria Moulding Inc.	2001 December 21	[2001] O. J. No. 5463; [2001] O.T.C. 967; (2001), 36 C.C.L.I. (3d) 127	S.C.J. Simcoe, Ontario	Lofchik J.	Female	$55,000.00	*Future loss of earnings:* $90,000.00	Soft tissue injuries exacerbated previous back problems and resulted in continuous neck, shoulder and lower back pain. Significant possibility of non return to full time employment. Possible permanent disability. Post-traumatic stress symptoms. Reactive depression.
Hutchison	Dalton	2002	[2002] O.J. No. 4764	S.C.J. Hamilton, Ontario	Cavarzan J.	Female	$50,000.00	*Future care costs*: $83,074.00 *Loss of competitive advantage*: $162,801.00 *Family Law Act Claim*: Husband - $15,000.00 *Family Law Act Claim* Daughter – $5,000.00	Stepped on beer bottle and fell. Severe injury to ankle. Whiplash type injury. Sublaxation and numerous fractures. Chiropractic treatment. Leg cast for 7 wks. Numerous operations. Likely arthritic. Pre-existing spinal cord condition. Panic in job – laid off. Difficult to find employment. Separated from husband.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Ouellette	Hearst (Town)	S.C.J. 2002 October 29 Ont. C.A.: 2004 March 22	[2002] O.J. No. 4139; [2004] O.J. No. 1120 (C.A.);	S.C.J.; Ont. C.A. (Leave to appeal to S.C.C. dismissed with costs)	S.C.J.: Riopelle H. Ont. C.A.: Feldman, MacPherson and Cronk JJ.A.	Male 36 years	$110,000.00	*Past loss of income*: $78,800.00 *Future loss of income* $320,000.00 *Past loss of household services*: $9,000.00 *Future loss of household services* $20,000.00	Top of utility pole broke & fell on PL's vehicle. Knee meniscus tear, chronic knee pain, surgery, expected degenerative changes in the form of osteoarthritis, expected future knee replacement, constant back pain. Pre-existing knee injury. No longer able to perform some of more physically demanding functions of job.
Jalakah (Litigation Guardian) (a.k.a.: Jalakh)	Zimmerman	2002 October 30 Additional Reasons December 5, 2002	[2002] O. J. No. 4227; [2002] O.T.C. 841 Additional Reasons: [2002] O. J. No. 4726	S.C.J. Ottawa, Ontario	Aitken J.	Male	$45,000.00	*Family Law Act Claim*: Wife - $5,000.00	6 motor vehicle accidents. This was 2nd collision. Pre-accident health problems including obesity, high blood pressure, high cholesterol & degenerative disc disease. Soft tissue injuries. 2nd accident 25% responsible for plaintiff's chronic pain syndrome, 15% responsible for stress & anxiety and 15% responsible for adaptation disorder.
Lesniak	Mississauga (City)	2002 December 6	[2002] O. J. No. 5125	S.C.J. Brampton, Ontario	Van Melle J.	Female 41 years	$55,000.00	*Family Law Act Claim*: Husband - $6,000.00	Trip on mat. Struck right knee on marble floor. Physiotherapy and arthroscopic surgery. Extremely active woman. Crumbling skull plaintiff. Likely future surgery.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Coulter	Liberty Mutual Insurance Co.	2003	2003 CarswellOnt 1874 [2003] OJ No. 2008	S.C.J.	Archibald	Female	$45,000.00 (first MVA) (provisionally) $8,500.00 (second MVA)	*Family Law Act*: Husband- $5,500.00	Frequent urinary tract symptoms and infections caused by bruising to abdomen (urethral stenosis), also soft tissue injury to knee, neck and shoulder area – soft tissue injury resolved after first collision urination problem persist – second collision not affect urinary function; low back, left knee, shoulder neck and headaches –low speed impact.
Polsinelli	Goodman	2003 March 25	[2003] O. J. No. 1075	S.C.J. Toronto, Ontario	Jennings J.	Male	$70,000.00		Car accident. Pre-existing symptomatic degenerative disc disease. Soft tissue injuries to neck and back. Autobody repairman. Would eventually return to work. Earned $85k per yr.
Van Dyke	Grey Bruce Regional Health Centre	2003 July 16	[2003] OTC 692 [2003] OJ No. 3047 CA	S.C.J. C.A. [2005] OJ No. 2219	Van Melle	Male 35 years	$100,000.00	*Familiy Law Act*: Wife- $20,000.00	Drugs prescribed for treatment of serious sinus infection destroy hair cells in the ear; affect balance and hearing; result dizziness, headaches, blurred vision; cannot walk on uneven ground, drive or work; Court of Appeal varied finding of liability against doctor and damages award Application for leave to appeal filed Aug. 9/05 [2005] SCCA No. 335

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Stanford Estate	Roy	2005 January 13	[2005] O.J. No. 987	S.C.J.	J.J. Cavarzan J.	Male 15 years	$25,000.00		Sexual assault & breach of fiduciary duty by health care counsellor at psychiatric hospital. PL alleged that as result of abuse, he engaged in sexually promiscuous conduct, and abused alcohol and drugs. He also suffered from severe depression, loss of confidence and self-esteem, post-traumatic stress disorder, and pain and suffering. Exacerbation of PL's self-destructive behaviour. PL died when he was 47.
LaHay	Henderson	2005 April 29	[2005] O.J. No. 1705	S.C.J. Barrie, Ontario	T.M. Wood J	Male 43	$90,000	*Future Income:* $265,213 *Past Lost Income* $1,653.74 *Housekeeping Services* $10,000 *Family Law Act (Loss of care, guidance and companionship)* Wife: $30,000 Oldest child (mentally disabled): $15,000 – Two younger children each awarded $5,000.	Plaintiff suffered torn lumbar tissues in MVA. Plaintiff had chronic incurable back pain. Plaintiff ceased physiotherapy after he settled with his own insurance company. Plaintiff declined nerve block injections and attendance at residential pain management programme. Plaintiff weighed 345 pounds and was genetically disposed to obesity. Also suffered from migraine headaches. Future lost income was $804,100 based on annual income of $47,129 Figure was reduced by 30 per cent to reflect health problems associated with obesity

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Winters	Loblaws Supermarkets Ltd.	2005 June 14	[2005] O.J. No. 3406	S.C.J.	J.F. McCartney J.	Female	$40,000.00		Liability not established. Damages calculated but not awarded. Slip & fall on allegedly unsafe premises. PL injured back, hip, elbow and neck. All symptoms disappeared within a week except for neck pain. Aggravation of pre-existing neck condition. Difficulty turning neck to left. Leisure activities affected. Constant neck pain.
Peloso	778561 Ontario Inc.	2005 June 15	[2005] O.J. No. 2489	S.C.J.	C.D. Aitken J.	Female 33 years	$24,200.00	*Past loss of income* $2,031.00 *Future loss of income* $161,796.00	Snowplow backed into Plaintiff's vehicle. Chronic pain syndrome (headaches & backache). Pre-existing condition and failure to mitigate.
Gorman	Falardeau	2005 June 30	[2005] O.J. No. 2213	Ont. C.A. North Bay, Ontario	Laskin, Cronk, Gillese JJ.A.	Male 52 years	$120,000.00	*Future loss of income*: $299,940.00 *Past Loss of Income*: $180,000.00 *Future Care*: 35,000.00	3 accidents. Disabling chronic pain. He sustained a soft tissue injury to his neck ("the 1995 accident"). The 1995 accident aggravated the injuries that he had suffered in the 1989 accident. After the 1995 accident, Mr. Gorman was in constant pain and, consequently, he developed emotional problems. After the 1997 accident, his lower back pain, including pain in his left hip, worsened.
Spring	Zellers Inc.	2005 August 12	[2005] O.J. No. 3402	Ontario Superior Court	L.M. Walters	Female Age Unknown	$35,000	*Future Care* $5,000	Plaintiff struck in head by 7-9 items falling off shelf above her head; pain of pre-existing condition intensified and depression as a result of chronic pain; headaches persisted for 5 years

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Chan	The Erin Mills Town Centre	2005 November 25	[2005] O.J. No. 5027	Ontario Superior Court	J.L. Lax	Male 52	$185,000	*Loss of care and companionship* to wife $50,000 *Care for husband* to wife $60,000 *Medical and rehab expenses* $56,571 *Renovations to house to accomdate* plaintiff $96,858 *Future loss of income* $147,946 *Past lost income* $343,200 *Future care* $720,640	Plaintiff polio survivor with one functional leg before accident Fractured patella of functional left leg, acute back pain post-polio syndrome as result of fall Future care award based on life expectancy of 14 years

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Garratt	Orillia Power Distribution Corp.	2006 April 13	[2006] O.J. No. 1484	S.C.J. Barrie	J. Ferguson J.	Female	$75,000 reduced 15% to reflect pre-existing condition: $ 63,750	*Pecuniary:* (a) past extra employee cost of $6,549.00; (b) future extra employee cost of $27,212.90; (c) future replacement cost of Mr. Lima of $87,958; (d) future loss of private clients of $35,539.18; (e) future housekeeping and house maintenance expenses of $20,714.20 *Family Law Act* – (Husband) - $17,000	P. suffered injuries to back and neck after sudden stop in MVA. P. had pre-existing condition. Medical evidence supported necessity of plaintiff hiring additional help if she was to retain her contract with commercial client -- Plaintiff also claimed lost income regarding her inability to continue cleaning private homes as she did prior to accident
Appeal allowed. Trial judgment set aside. TJ erred when she found liability.		2008 May 29	[2008] O.J. No. 2090	Ont. C.A. Toronto, ON	D.R. O'Connor A.C.J.O., E.E. Gillese and D. Watt JJ.A.				

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Ondrade No liability - damages calculated but not awarded.	Toronto (City)	2006 May 2	[2006] O.J. No. 1769	S.C.J.	W. Low J.	Male 63 years	$30,000 No liability - damages calculated but not awarded	*OHIP subrogated claim:* $5,000.00	Slip & Fall where the plaintiff suffered a fractured wrist. He also injured his knee and hip resulting in pain. Plaintiff's hip pain was resolved in months. His knee pain was diagnosed as knee synovitis and was determined to be a previous condition which was aggravated by the accident for no more than 6 months. Plaintiff experiences wrist pain, a mild wrist deformity and a 50% reduced grip & pinch strength. The Plaintiff has a chance of developing arthritis. Action dismissed.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Litwinenko	Beaver Lumber Co	2006 August 10	[2006] O.J. No. 3383	Ont. S.C.J. Thunder Bay	J. Wright J.	Female 69 years (76 years at trial)	$15,000.00	*Special Damages:* $12,197.19	Occupiers liability. Slipped and fell heavily to the ground, falling on her right side and striking her head. She suffered an injury to her head, ribs, leg, and shoulder, as well as multiple bruises and abrasions. She suffered a slight concussion, which resulted in vomiting, dizziness, and headaches. Plaintiff remained in hospital for 41/2 days. Her leg injury resolved within a few months, her ribs healed within six months, and her headaches eventually abated to their previous state
Appeal allowed re damages and liability.		2008 May	[2008] O.J. No. 2133	Ont. S.C.J. Divisional Court Thunder Bay	S.E. Greer, D.S. Crane (dissenting) and A.M. Gans JJ.		Reassessed at $45,000.00	*Special Damages* Reassessed at $122,405.19	Pre-existing heart condition, headaches, right shoulder pain, and marked degenerative disc disease to her cervical spine, which had been symptomatic. Injuries disturbed symbiosis on a permanent basis invoking the "thin skull rule". Liability: Trial – 50/50 Appeal – 15/85 in favour of appellant

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Tait	Greater Niagara General Hospital	2006 November 7	[2006] O.J. No. 4479	S.C.J.	L.M. Walters J.	Male 44 years at trial. Approximately 38 at time of incident.	$200,000.	*Family Law Act claims:* Daughter - $25,000.00 Wife - $50,000.00 *Future loss of income:* $5,000.00 per year until age 55 - Present value amount agreed upon by parties	The plaintiff suffered a needle stick injury to his conus during the spinal anaesthesia performed by the defendant. The defendant failed to cease the injection when the plaintiff experienced pain. As a result the plaintiff suffered urinary incontinence, fecal incontinence, impotency, and sensory loss in his groin area. The injuries are ongoing and have resulted in humiliation to the plaintiff. He is forced to wear diapers, accidents are frequent and embarrassing. He has also suffered the loss of an intimate relationship with his wife. Prior poor health. The plaintiff had long term uncontrolled diabetes, he was morbidly obese, suffered from hypertension, sleep apnea, a heart irregularity and a blood disorder.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hamasni	Nagai	2007 February 13	[2007] O.J. No. 1326	Ont. S.C.J. St. Catherines Ont.	D.S. Crane J.	Male Incident: 41 years Trial: 54	$90,000.00	*Past income loss:* $650,000.00 *Future income loss:* $250,000.00 *Family Law Act Claim: Past Attendant Care:* Wife – $75,000.00 *Family Law Act Claim: Future Attendant Care:* Wife – $25,000.00 *Loss of care, guidance and companionship:* Wife – $35,000.00 Children (x2) – $15,000.00 each	Physician negligence. The physician, a nephrologist, failed to correctly diagnose an epidural abscess. The patient suffered pain, depression and failure of his business as a result of the physician's negligence. Physician did not investigate the plaintiff's complaints, assuming the pain was due to soft tissue injuries from the accident.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Abel	Hamelin	2007 April 30	[2007] O.J. No. 1927	Ont. S.C.J.	C.T. Hackland J.	Female, 49 years	$120,000.00	*Past loss of income:* $191,655.42 *Future loss of income:* $123,140.18 *Housekeeping and personal support:* $86,827.48	Pedestrian-motor vehicle accident. Chronic pain condition, depression and significant cognitive impairment. Pre-existing cognitive deficits were substantially exacerbated by the accident. P did not work following accident and is not expected to in the future.
Dogan	Pakulski	2007 May 11	[2007] O.J. No. 1903	S.C.J.	F.J.C. Newbould J.	Male 69 years	(Fall): $15,000 (Assault/Battery): $2,000	*Aggravated damages:* $2,500 *Punitive damages:* $2,500 *OHIP:* $1,500	The plaintiff hit his head when he slipped and fell on snow and ice resulting in headaches and dizziness. The length of the dizziness may have been caused by other health problems. Pre existing conditions: The plaintiff suffered from diabetes, high blood pressure, lower back pain and a heart condition that caused fatigue and weakness. He also had a history of alcoholism and heavy smoking. Fault: 40% Plaintiff / 60% Defendants. The defendants were liable for assault / battery when the threatened and pushed the plaintiff causing him to fall and hit his head. These actions caused an exacerbation of his medical conditions & stress.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
MacKinnon	Grand River Hospital	2007 June 25 2009, March 27	[2007] O.J. No. 2504 Appeal dismissed: [2009] O.J. No. 1255	Ont. S.C.J. Ont. C.A.	C.A. Tucker J.	Female 48 years	$175,000.00	*Family Law Act claim*: 3 Children – $37,500.00 ($12,500.00 each) *Pecuniary Damages, past and future:* $400,000.00	Medical malpractice. Permanent, debilitating injuries including vascular and nerve damage. Cannot move her left arm or hand. In constant pain. Isolated life, having withdrawn from her family and children. Not expected to ever be able to work again.
Hill No liability - damages calculated but not awarded. Appeal dismissed.	Victoria Hospital Corp.	2007 July 16 2009 January 27	[2007] O.J. No. 2767 [2009] O.J. No. 300	S.C.J. Ont. C.A. Toronto	W.A. Jenkins J. D.R. O'Connor A.C.J.O., E.A. Cronk and E.E. Gillese JJ.A.	Female 54 at trial.	$125,000 No liability - damages calculated but not awarded.	*Special damages:* $11,022.35 *Past loss of income:* $225,000.00 *Future loss of income:* $235,000.00 *Cost of future care:* $100,000.00 *Family Law Act claims:* Husband - $25,000.00 Daughter - $25,000.00 Son 1 - $10,000.00 Son 2 - $10,000.00	Medical malpractice - Following surgery performed by the defendant, the plaintiff developed osteitis pubis, chronic pelvic pain, coccygeal pain, weakness in her legs, bladder dysfunction and more frequent seizures. As a result, she underwent Herschorn-Tile surgeries to remove the mesh inserted by the defendant and to resect her symphasis pubis. Pre-existing conditions - The plaintiff had undergone three cesarean sections, three laparoscopies, a hysterectomy, removal of a cyst from her left ovary, removal of a cyst from her bowel, removal of her right ovary, and removal of her gall bladder. In addition, she suffered from irritable bowel syndrome and epileptic seizures. Action dismissed. Appeal dismissed.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
George Action dismissed.	Covent Garden Market Corp.	2007 July 25	[2007] O.J. No. 2903	Ont. S.C.J.	K.F. Ross J.	Female 57 years	$60,000.00	*Special Damages:* $1,628.05 *Chiropractor:* $ 1,726.25 *Family Law Act Claim:* Husband – $5,000.00 *Family Law Act Claim:* Daughter – $1,500.00	Trip and fall. Injuries to her head - no fractures but sustained a contusion to her forehead and a bruise at the corner of her left eye. Small laceration to her left right and a bruise to her left forearm. Right elbow badly bruised and bruise on left shoulder. Fall made fibromyalgia worse. P had history of several prior fall and a long history of prior physical and psychological health problems. P did not established on a BoP that the D failed in its statutory duty to take reasonable care.
Stangret	Toronto (City)	2007 July 30	[2007] O.J. No. 5193	Ontario Superior Court of Justice Small Claims Court - Toronto	M.O. Mungovan Deputy J.	Male	General damages: $1000.00 ($500.00 in respect of each incident)		Two separate slip and fall incidents on city sidewalks. The plaintiff walked with two canes due to a prior left hip injury. On the first occasion, he slipped and fell suffering a soft tissue injury to his right hip that subsided after three days. On the second occasion, the plaintiff tripped and fell over a metal stump that was the remnants of a removed street sign. He exacerbated the injury to his left hip, but the pain subsided after four to six days.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Singer Appeal dismissed.	Hamilton (City)	2007 November 5 2009 July 10	[2007] O.J. No. 4250 [2009] O.J. No. 2909	Ont. S.C.J. Hamilton, ON Ont. C.A. Toronto	W.J. Festeryga J J.I. Laskin, R.G. Juriansz and G.J. Epstein JJ.A.	Female, 78 years	$110,000.00 ($45,000.00 of which attributed to psychiatric injuries)	*OHIP: $*21,126.55 *Family Law Act Claims:* Son – $1,500.00 3 Grandchildren – $500.00 each	Badly broken femur. Attempted suicide because of the combination of her grieving the loss of her husband and the fracture of her leg, which caused her pain and immobility. Suffered major depressive episode which is said to have been "triggered" by the fracture. 14 cm scar on right knee. Appeal dismissed.
Kenny	Mastromatteo	2008 June 23	[2008] O.J. No. 2485	S.C.J. Hamilton	T.R. Lofchik J.	Plaintiff 1 -- Female; Plaintiff 2 -- Male	Plaintiff 1: (Sister) $20,000 Plaintiff 2: (Brother) $10,000	Plaintiff 1: *Loss of income:* $20,000.00 *Out-of-pocket expenses:* $1,277.60 *Treatment (present & future):* $2,500.00 Plaintiff 2: *Loss of income:* $10,000.00 *Cost of attendance at trial:* $1,000.00 *Family Law Act claims:* Son of Plaintiff 1 - $ 2,500 Sister of Plaintiff 1 - $1,500.00 (For assisting in care of son)	As a result of an assault, plaintiff 1 suffered pain to her arm, head, neck, shoulders and hip. Plaintiff 1 also suffered from nervous shock and has had psychological sequelae to the assault which required psychiatric treatment. Prior to the assault, plaintiff 1 suffered from degenerative disc disease in her back and had all but recovered from a previous neck and back injury. As a result of the attack, she had a recurrence of pain in her neck, shoulders and mid-back, causing continuous headaches and impaired movement. She has undergone physiotherapy and attends a pain management clinic. Plaintiff 2 suffered lacerations to his face resulting in a small scar. The assault also had a psychological impact on the Plaintiff.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Cartner Appeal dismissed. Trial judgment upheld.	Burlington (City)	2008 July 29 2010 June 7	[2008] O.J. No. 2986 [2010] O.J. No. 2404	S.C.J. Ont. C.A. Toronto, Ontario	M.G.J. Quigley J. J.M. Simmons, E.A. Cronk and H.S. LaForme JJ.A.	Female 52 years	$120,000.00	*Special Damages for Loss of Past and Future Income Earning Capacity:* $190,000.00 (Discounted by 10% for a total of $171,000.00) *OHIP Subrogated Claim:* $19,064.01 *Family Law Act Loss of Care, Guidance and Companionship:* Husband – $20,000.00	Slip and fall accident causing a severe fracture to the PL's right femur. PL suffers from continuous knee pain, accelerated osteoarthritis in knees, and required knee replacement surgery. PL could only perform 50% of pre-accident activities. Loss of past and future income damages reduced by 10% for failure to mitigate.
Lafond	Roksa	2008 December 3	[2008] O.J. No. 4887	Ontario Superior Court of Justice - Hamilton	W.J. Festeryga J.	Male 54 years (FLA) Spouse Female 43 years	General damages: $95,000.00	Past loss of income: $227,596.10 Future loss of income: $113,000.00 FLA claim: Common-law spouse - $7,500.00	Plaintiff suffered comminuted fracture of the left orbital floor with significant depression extending to the anterior orbital rim. The fragment is depressed by approximately five millimetres. Permanent loss of sight in the left eye due to severe injury to his left optic nerve. Severe bruises to the face and headaches. Prior to the incident the plaintiff's health was poor. After the incident, the male plaintiff was unable to work full-time and was off work for five months.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Rollin Appeal allowed in part.	Baker	2009 January 19 2010 September 2	[2009] O.J. No. 225 [2010] O.J. No. 3665	S.C.J. Ont. C.A. Toronto, Ontario	K. A. Carpenter-Gunn J. R.A. Blair, R.G. Juriansz (dissenting) and G.J. Epstein JJ.A.	Female 56 years at trial	$90, 000 (Reduced to $30,000 on appeal)	*Special Damages* *Past Income Loss:* $1,000 *Subrogated Claim of Ministry of Health and Long Term Care:* $10,078.05 *Future Lost Income:* $10,000	Defendant general surgeon negligently performed closed reduction surgery on the PL's left wrist which was fractured as a result of a slip and fall accident. PL suffers from ongoing pain in wrist area, residual problems with wrist rotation, deformed appearance of left wrist, and experiences difficulty performing daily personal, leisure and household activities. At the time of the incident the PL weighed in excess of 300 pounds and suffered from multiple health concerns predating her accident including bilateral knee problems, low back pain, neck pain, and emotional difficulties which included a panic disorder and depression.
Goody	Costco Wholesale Corp.	2009 July 17	[2009] O.J. No. 3025	S.C.J.	E.R. Kruzick J.	Female 53 years	$50,000.00	*Past Income Loss:* $50,736.00 *Future Income Loss:* $67,500.00 *Family Law Act Loss of Care, Guidance and Companionship:* Husband – $7, 500.00	Trip and fall accident. PL injured both her knees, hip and back. Incident contributed to plaintiff's chondromalacia. 25% damage reduction for pre-existing medical condition (prior knee and back problems). Damages for future income loss reduced by 10% due to uncertainty as to whether plaintiff would work until 65 years of age.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McQueen	Echelon General Insurance Co.	2009 September 28	[2009] O.J. No. 3965	Ont. S.C.J.	C.R. Harris J.	Female 35 years	N/A	*Mental Distress:* $25,000.00 *Unnecessary Loss of Housekeeping Benefits:* $7,800.00 *Transportation Allowance:* $7,500.00 *Cost of Aborted Medical Assessment:* $2,259.91 *Cost of Failed Neurological Assessment:* $1,391.52 *Cost of Occupational Home Therapist Home Assessment:* $620.11	MVA. Plaintiff bed ridden for two months. Pre-existing medical condition included being diagnosed with bi-polar disorder and suffering from upper back pain. Defendant insurer unreasonably withheld housekeeping and transportation benefits causing mental distress.
Appealed by Defendant		2011 October 18	[2011] O.J. No. 4563	Ont. C.A.	Gillese, Armstrong and Karakatsanis JJ.A				Appeal on almost fifty grounds, with Defendant challenging all awards except for interest finding. Unsuccessful except for variation for transportation benefits – reduced from $7,500 to $2,280. Other damages not amended. Costs awarded to Plaintiff at $6500.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lawson	Costco Wholesale Canada Ltd.	2010 April 12	[2010] O.J. No. 1457	S.C.J.	J.F. McGarry J.	Female 69 years at trial	$30,000.00	*Special Damages:* $8,000.00 *Cost of Future Care:* $10,000.00	Slip and fall accident causing severe pain in PL's left leg, hip and shoulder. As a result of her injuries, PL requires a left knee brace to assist in standing and walking as well as on-going massage therapy to prevent her shoulder from freezing. PL also became depressed over her lack of recovery from injuries sustained in accident. Pre-existing medical condition prior to accident included suffering from neck problems, migraine headaches and lower back pain.
Placzek Appealed by Defendant.	Green	2010 October 15 2012 January 26	[2010] O.J. No. 4382 [2012] O.J. No. 651	Ont S.C.J. Ont. C.A.	H.A. Rady J. Doherty, LaForme and Hoy JJ.A.	Female 47	$85,000		Low-speed MVA. Plaintiff suffers from chonic pain in head and neck, numbness in left arm, hand, left trunk, leg and foot. Injuries inflamed due to pre-existing condition of fibromyalgia. Judgment requests additional submissions from counsel to quantify future cost of care and loss of income. Appeal on basis that judge decision to discharge jury, and the quantification of damages, required re-assessment. Unsuccessful. Damages not amended. Costs awarded to Plaintiff.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Rogers	Testa	2011 September 29	[2011] O.J. No. 4507	Ont. SCJ	Bryant J.	Male 51 years old at trial, likely 45 at time of incident (2005)	$90,000	Housekeeping and Transportation: $54,161.84	After the Plaintiff phoned a Crisis Centre, a police cruiser was dispatched to bring him to a hospital for an involuntary medical assessment. Plaintiff refused transportation in the vehicle and ended up in a police wagon. He kicked the door of the wagon, resulting in a spiral fractured left leg. Court found the police officer driving the vehicle caused the injury due to his negligent driving. Plaintiff had pre-existing mental disability and psychological issues.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.				A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries.
						P1: Female 70 years	P1: $45,000	*P1: Loss of Housekeeping: $3,000* *P1: Special Damages: $250*	P1: stitches to head and leg, cast then crutches, headaches, knee pain.
						P2: Male 37 years	P2: $50,000	*P2:Family Law Act Claim – Wife: $10,000*	P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain.
						P3: Female 30 years	P3: $30,000	*P3: Family Law Act Claim – Husband: $10,000*	P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety.
						P 4: Male 28 years	P4: $60,000	*P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder.
						P5: Male 33 years	P5: $20,000		P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head.
						P6: Male 30 years	P6: $25,000		P6: bruising on mid and low back.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
(Meady, con't)									Cut to head requiring stitches and later infected. Cut to left hand. Abrasions to neck and mid-back. Physiotherapy required.
						P7: Female 27 years	P7: $65,000	*P7: Loss of Future Housekeeping: $5,000* *P7: Loss of Past Wages: $320*	P7: pain and discomfort to face, above left eye, along right side, right elbow, lower back. Compression fracture. Open wound injury to right knee and some bruising. Stress and anxiety. Chiropractor required.
						P8: Male 19 years	P8: $20,000		P8: back and knee pain. Cuts on right hand, near thumb of left hand, skull and chin, resulting in scar. Difficulty sleeping and fatigue.
						P9: Female 38 years	P9: $55,000		P9: anxiety/PTSD. Bruising, back pain. Possible compression fracture.
						P10: Male. 14 years	P10: $65,000	*P10: Loss of Future Housekeeping: $5,000*	P10: cuts on head and arm. Bruising on right shoulder, resulting in rotator cuff tendinitis and muscle strain. Lower back pain. Chronic pain. PTSD. Physiotherapy required.
						P11: Female 39 years	P11: $50,000		P11: whiplash. Bruising to lower left leg, upper left arm, tailbone, and one finger. PTSD.
						P12: Female 29 years	P12: $70,000	*P12: Loss of Future Housekeeping: $25,000* *P12: Special Damages: $6,179.08*	P12: pregnant at time of accident. Ankle, neck and lower back pain leading to chronic pain. Physiotherapy required.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McLean	Knox	2012 February 14	[2012] O.J. No. 636	Ont. SCJ	R.J. Smith J	Male	$174,553 (including pre-judgment interest)	Loss of Future Income: $117,200	Plaintiff was in MVA in which Defendant hit his vehicle. Other defendants included the bar deemed to have over-served the driver. Plaintiff suffered concussion, possible brain injury, elbow fractures leading to surgery and difficulty returning to work. Exacerbated by pre-existing learning disability that made new training difficult. Liability apportioned to 84% Defendant driver, 1% Defendant bar owners, 15% Plaintiff. Jury award, modified by judge.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Saisho	Loblaw Cos.	2014 March 26	[2014] O.J. No. 1475	Ont. S.C.J.	F.B. Fitzpatrick J.	Male 90 years	$160,000	*Subrogated claim from OHIP: $262,601.10* *Family Law Act Claim*: Wife $55,000	Plaintiff was struck by a shopping cart. Damage to his cervical column rendered him a spastic quadriplegic, made it difficult to breath significantly increasing risk for death by aspiration, and more susceptable to blood clots. Catheterized bladder increased risk of infection. Plaintiff required assistance for every aspect of daily living, suffered from cramps, had difficulty sleeping and was constantly frustrated and scared. He remained in the hospital for two years until his death. Pre-existing hypertension and narrowing of the cervical spine would have put him wheelchair bound for the future but not as a quadriplegic.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Miller	R	2015 January 29	[2015] OJ No. 427 Additional reasons re: costs 2015 ONSC 2554	Ont. S.C.J.	Leach J.	Male 50 years	$100,000		Plaintiff, an inmate, slipped down icy stairs. Plaintiff suffers from ongoing pain in his neck, back, shoulders, and triceps. The fall caused a tear in a tendon in his shoulder and affected the nerves in his arm. He has ongoing weakness, lack of sensation, and occasional pain in that arm. He is unable to lift weights, and has lost considerable weight, which has lowered his self-esteem. Weakness in his arm causes him to repeatedly drop items, compounding lowered self-esteem. Plaintiff has symptoms of depression and his relationship with wife is impaired. Plaintiff had pre-existing drug addiction. Damages reduced by 30% due to contributory negligence.
Khelifa Appeal dismissed. Trial judgement affirmed	Ontario Corp. 1358584	2015 February 13 2016 September 23	[2015] O.J. No. 888 2016 ONCA 698	Ont. S.C.J. Ont. C.A.	D.A. Wilson J. John Laskin J.A., K. Feldman J.A., and C.W. Hourigan J.A.	Female 34 years	$175,000	*Future care costs*: $100,000 *Future loss of income*: $125,000 *Subrogated OHIP claim*: $79,698	Plaintiff slipped on ice on fire escape. Plaintiff suffered laceration to her scalp, mild traumatic brain injury, burst fracture and transverse process fractures to her lumbar spine, fracture to her thoracic spine, factures and permanent articular cartilage damage in both ankles. Plaintiff continues to suffer from post-traumatic stress disorder, headaches, and ongoing back, leg and foot pain. Unclear if pre-existing depression was aggravated by her injuries.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Silvera	Olympia Jewellery Corp.	2015 June 16	2015 ONSC 3760 [2015] O.J. No. 3225	Ont. S.C.J.	Glustein J.	Female 42 years	$90,000	*Punitive damages:* $10,000 *Human Rights Code violation:* $30,000 *Future Care Costs:* $42,750 *Subrogated OHIP claim:* $37.18 *Loss of future income:* $57,869.13 *Family Law Act claim (daughter):* $15,000	Plaintiff was sexually assaulted by her workplace supervisor and was subsequently terminated. Plaintiff endured psychological pain and suffering as a result. Her relationship with her daughter deteriorated and she was unable to look for work due to her psychological condition. She can no longer work with men. Plaintiff had been sexually abused as a child and suffered from depression. Defendants did not appear at trial.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Doyle Defendant appealed moral damage award.	Zochem	2017 February 15	[2017] O.J. No. 748	ONCA	K.M. Weiler, S.E. Pepall and G.T. Trotter JJ.A.	Female, 44	$85,000.00 ($60,000.00 for moral damages and $25,000.00 for breach of rights under the *Human Rights Code*)		Plaintiff suffered damages as a result of wrongful dismissal, sexual harassment, and denial of short term disability benefits. Plaintiff was put on medication for anxiety because she was constantly shaking. She had migraines, chest pains and sleep disturbances, including nightmares about the sexual harassment and the dismissive manner of her termination. Plaintiff was diagnosed with major depressive disorder, with anxiety. Prior to the termination, the plaintiff suffered from long-standing clinical depression. The defendant knew this and breached plaintiff's right to privacy by disclosing the plaintiff's clinical depression to certain management employees. The defendant also denied the plaintiff short-term disability benefits for six months even though she qualified. Appeal dismissed. Moral damage award upheld.

Pre-existing Disability or Condition									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Taylor	Kok	2016 December 21	2016 ONSC 5839	S.C.J	M.A. Garson J.	Male	$25,000.00.00	*Punitive damages*: $7,500.00	Plaintiff suffered damages as a result of police acting in bad faith and breaching his Charter rights in arresting the plaintiff. Plaintiff was disabled. Plaintiff fell on the ground when trying to get out of the police vehicle. This incident left the plaintiff disgruntled, demotivated, irritable and depressed. He was diagnosed as suffering from post-traumatic stress disorder, mood-disorder, and depression, and complained of nightmares and flashbacks of the incident, irritability, low energy, and difficulty concentrating. The plaintiff required ongoing psychological treatment.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
R (R)	Mealing	2000	2000 CarswellOnt 5437	S.C.J. Parry Sound, Ontario	O'Neil J.	Male	$115,000.00		Sex assault by school principal in elementary school for over 5 yrs. Fondling. Oral sex. Reported assaults in 1973. Not believed. Post-traumatic stress disorder. Sleep disruptions. Disturbing dreams, flashbacks, instrusive memories.
D (A)	D (M)	2000 February 2	[2000] O.J. No. 248; [2000] O.T.C. 52	S.C.J. Toronto, Ontario	Nordheimer J.	Female 26 years	$30,000.00	*Punitive damages*: $10,000.00	Sex assaults by father between ages 12 – 16. Minor physical touching. Dissociative identity disorder. Physical abuse by mother.
M (D.F.)	D (J.)	2000 February 17	[2000] O.J. No. 559; [2000] O.T.C. 7	S.C.J. Ottawa, Ontario	Chadwick J.	Female 36 years	$75,000.00	*Punitive & Aggravated damages:* $15,000.00	Sex abuse by uncle between ages 12 – 15. Fondling, penetration, masturbation and oral sex. Long lasting effects. Difficulty coping. No close friends. Trusted few people. Daily migraines.
G (K)	Wilson	2000 June 2	[2000] O. J. No. 2155	S.C.J. Ottawa, Ontario	Chadwick J.	Female 40 years	$80,000.00		Post-traumatic stress syndrome – sex assaults while in 4th grade. Emotional problems in high school. Pregnant and married at early age.
L (R)	V (A)	2000 July 4	[2000] O.J. No. 2661; [2000] O.T.C. 500	S.C.J. Sudbury, Ontario	Hennessy J.	Female	$20,000.00		Sex assault at age 8 by family friend. Digital penetration & sexual touching. Long-term emotional distress. Vaginismus. Rec'd counselling.
P (J) (Litigation Guardian of)	LeBlanc	2000 July 4	2000 CarswellOnt 2707	S.C.J. Thunder Bay, Ontario	McCartney J.	Female	$25,000.00		Sex assault at age 9 years. Defendant had or attempted to have sexual intercourse with plaintiff. Depression. Fear of men. Trouble concentrating. Severe post-traumatic stress.
Wilcox	Mattie	2001	2001 CarswellOnt 4213	S.C.J. Toronto, Ontario	Day J.	Female 22 years	$300,000.00	*Future loss of earnings*: $100,000.00	Extreme sexual abuse by stepfather between ages 4 – 11. Difficulty socializing. Extremely distrustful and angry. Recurrent nightmares and flashbacks. Difficulty concentrating. High suicide risk. Dysthymic disorder. Depression. General anxiety.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
R. J.	White	2001 January 18 Additional reasons February 8, 2001	[2001] O.J. No. 133; (2001) 52 O.R. (3d) 353; [2001] O.T.C. 20	S.C.J. Toronto, Ontario	Nordheimer J.	Female 40 years	$20,000.00		Sexual assault by dentist when aged 13. Post-traumatic stress syndrome. Worsened over time. Negative attitude towards men and affected 2 marriages. Falshbacks, terror dreams, anger.
M (K. I.)	Perri Estate	2001 April 23 Additional reasons May 18, 2001	[1999] O. J. No. 3760	S.C.J. Ottawa, Ontario	Case Management Master Beaudoin	Female	$225,000.00	*Aggravated damages* $75,000.00	Defendant initiated sexual relationship with sexually immature, vulnerable pl. Forced to perform sex acts. 8 yr relationship. Severe trauma. Post-traumatic stress disorder. Unable to form lasting relationships.
K (A)	Kennedy	2002	2002 CarswellOnt 345	S.C.J. Ottawa, Ontario	Cunningham J. (A.C.J.S.C.J.)	Female	$100,000.00		Defendant minister took advantage of pl. to coerce her into having sex over 8 yr period. Inability of pl. to form or maintain loving relationships. Low self-esteem, anxiety, general loss of trust, depression.
Paton	Phaure	2002	[2002] O.J. No. 2814	S.C.J. London, Ontario	Granger J.	Female	$75,000.00	*Aggravated damages*: $20,000.00	Physical and sexual assault in secluded area. Left with teeth marks and bruises. Pre-accident condition of depression, now exacerbated by assault. Unable to trust men.
H (J.M.) (Litigation Guardian Of)	P (R.D.)	2002 January 4	[2002] O.J. No. 145; [2002] O.T.C. 23	S.C.J. London, Ontario	Haines J.	2 Females	Plaintiff 1: $30,000.00 Plaintiff 2: $100,000.00	*Future loss of earnings*: $50,000.00	Sex assaults over 2 yrs. 1 pl. put at risk of cervical cancer. Both developed psychiatric, behavioural & emotional problems.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Flachs Also indexed as C.S.F. v. J.F.	Flachs	2002 March 12 2003 March 3	[2002] O. J. No. 1350; [2002] O.T.C. 238 2003 CarswellOnt 755	S.C.J. Hamilton, Ontario Concurred in by Ont. C.A. Ont. C. A. Hamilton, Ontario	Lofchik J. Borins J.A., Cronk J.A., MacPherson J.A.	Female - Daughter 67 years	$75,000.00 $125,000.00	*Aggravated damages*: $25,000.00 *Punitive damages*: $25,000.00	Sexual assault by father. Sexual touching. Attempted suicide at age of 16 years. Extreme sexual assault by husband for 38 years. Physical abuse causing numerous bodily injuries. Raped. Osteoarthritis, tinnitus, post-traumatic stress disorder, anxiety, depression.
O'Neil	Van Horne Thomson et al. – 3rd parties	2002 April 25	[2002] O. J. No. 1528; 59 O.R. (3d) 384; 212 D.L.R. (4th) 558	Ont. C.A.	Finlayson, Carthy, Cronk JJ.A.	Female	$6,500.00		Oral contact with pl's genitalia. Incident arose in 1972. Appeal for right to contribution from jt tortfeasors – appeal dismissed.
Doe	Doe	2003	[2003] OJ No. 4839	S.C.J.	Morissette	Female 34 years	$10,000.00 ($75,000.00 provisionally if causation proven)	(provisionally $150,000.00 loss of interdependent relationship if causation proved)	Single event of inappropriate sexual conduct, as children pre-existing psychological problems
Doe	O'Dell	2003	[2003] No. 3546	S.C.J.	Swinton	Male	$175,00.00	*Past loss of income* $357,000.00 *Future loss of income* $825,340.00	Childhood sexual abuse resulting in alcohol dependence, post-traumatic stress disorder, chronic borderline personality disorder, major depressive disorder, generalized anxiety disorder
D. (C.)	D. (R.)	2003 January 31	[2003] O.J. No. 281	S.C.J. Ottawa, Ontario	Chadwick J.	Female	Against father - $200,000.00	Aggravated Damages $50,000.00 Against mother for conspiracy to commit murder: $50,000.00	Sexual assault by stepfather. Fondled and molested. Period from 12 – 16 yrs. Stepfather convicted of assault of pl. and granddaughter. His wife hired contract killer to kill him. She underwent counselling. Pl.'s emotional growth arrested.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Cho	Cho	2003 February 27	[2003] O.J. No. 758; (2003) 36 R.F.L. (5th) 79	S.C.J. Toronto, Ontario	Molloy J.	Male and Female (brother and sister)	$125,000.00 each	*Past and Future loss of income*: $850,000.00 each	Extremely violent, persistent abuse by mother. Slammed into doors, food shoved into mouth, severe burns, head held under water until passed out etc. Extreme post-traumatic stress, unable to develop any relationship and arthritis.
Da Costa	Mardarowicz	2004	[2004] O.J. No. 2488	S.C.J.	Dawson	Female	$7,500.00	*loss of income* $4,097.00	Sexual harassment following MVA - depression, nightmares, anxiety and panic ; relationship with husband strained ; (It was difficult however to distinguish between psychological consequences from car accident and from sexual harassment)
D. (P.)	Allen	2004	2004 CarswellOnt 2955	S.C.J.	Lissaman	Female	$125,000.00	*Aggravated damages* $75,000.00 *Past counselling* $ 7,500.00 *Future counselling* $3,000.00	sexual abuse involving Roman Catholic priest - pain and suffering; sexual abuse was a material contributing cause of alcoholism, and that alcoholism has led to early retirement from teaching
J.R.S.	Glendinning	2004 February 2	[2004] O.J. NO. 285	S.C.J.	Kerr J.	PLs 1, 2, 3 & 5: Male PLs 4 & 6: Female PL 1: 10 years PL 2: 8 years PL 3: 6 years PL 6: 9 years	PL 1: $200,000 PL 2: $200,000 PL 3: $175,000 PL 4: $15,000 PL 5: $5,000 PL 6: $50,000		PLs suffered ongoing psychological injuries following a number of sexual assaults by defendant priest.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Stanford Estate	Roy	2005 January 13	[2005] O.J. No. 987	S.C.J.	J.J. Cavarzan J.	Male 15 years	$25,000.00		Sexual assault & breach of fiduciary duty by health care counsellor at psychiatric hospital. PL alleged that as result of abuse, he engaged in sexually promiscuous conduct, and abused alcohol and drugs. He also suffered from severe depression, loss of confidence and self-esteem, post-traumatic stress disorder, and pain and suffering. Exacerbation of PL's self-destructive behaviour. PL died when he was 47.
T.W.	Seo	2005 June 17	[2005] O.J. No. 2467	C.A.	J.M. Simmons, E.E. Gillese JJ.A. and P.C. Hennessy J. (ad hoc)	Female 21 years	$25,000.00	*Aggravated damages* $10,000.00	Sexual Assault. Performance of unauthorized tests & surreptitious videotaping by ultrasound technician. Moderate post-traumatic stress disorder, moderately severe to severe chronic depression, short-term emotional & psychological trauma.
R.K. (Kauk) Appeal Dismissed	Dickson	2005 September 1 2008 February 12	[2005] O.J. No. 3633 [2008] O.J. No. 431	S.C.J. Ont C.A. Toronto ON	C.A. Tucker K.N. Feldman, J.L. MacFarland and D. Watt JJ.A.	Female 46	$75,000	*Past income lost* $44,937 *Medication* $1200 *OHIP $4127.10* *Future Psychiatric Treatment* $20,000	Plaintiff sexually and physically assaulted; confined to home for 1 month after assault, depression, suicidal ideation, post traumatic stress disorder, facial scarring.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hockley	Riley	2005 October 20	[2005] O.J. No. 5144	S.C.J. Brantford	Festeryga J.	Female Victim: Seven Trial: 29	$100,000	*Exemplary damages:* $20,000	Plaintiff suing both assailant, and former assailant's ex-wife. Ex-wife found to have fiduciary duty to protect plaintiff while in her care. Defendants jointly and severally responsible. Exemplary damages against ex-wife only. Assailant masturbating in front of young girl (7-8 years old). Affecting current relationships with children and husband.
Appeal allowed in part.		2007, November 26	88 O.R. (3d) 1	Ont. C.A.	Cronk, Gillese (dissenting) and Epstein JJ.A.			*Exemplary damages set aside*	T.J. reasons contained no indication that he undertook the necessary evaluation of whether an award of exemplary damages, in addition to the sizeable award of general damages, was necessary or rationally required.
K.K.	K.W.G	2006 June 30	[2006] O.J. No. 2672	Ont. S.C.J.	R.J. Haines J	Female, Victim: 10-17 Trial: 65	$100,000.00	*Loss of income:* $100,000.00 *Future care (therapeutic needs):* $30,000.00	PL sexually abuse by father almost every night. Mother failed to protect daughter from father's abuse, of which she was aware. He removed her clothes, looked at her breasts and genitals, touched her and asked her to touch his penis, fondled her, penetrated her vagina with his fingers, rubbed his penis between her legs, had her rub his penis and usually ejaculated on her and her nightgown.
Appeal allowed in part.		2008 June 20	[2008] O.J. No. 2436	Ont. C.A. Toronto ON	K.M. Weiler, E.A. Cronk and R.A. Blair JJ.A..			*Loss of income* reassessed at $20,000.00	Factors on which T.J. based award overlapped with those pertinent to his assessment of general damages. Also, did not consider other complex contingencies.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Plouffe	Roy	2007 September 10	[2007] O.J. No. 3453	S.C.J.	J.W. Quinn J.	Male 32 years	$5,000	*Punitive damages:* $10,000.00 *Family Law Act claim:* Common-law spouse - $1,000.00	Plaintiff was victim of sexual battery by supervisor.
P.M.	Vallabh	2008 April 28	[2008] O.J. No. 1641	Ont. S.C.J.	L.A. Pattillo J.	Female 48	$65,000.00	*Special damages* $39,270.00 *Aggravated damages* $15,000.00	Plaintiff sexually assaulted, confined to home for 4 months after assault, agoraphobic, disturbed sleep, nightmares, trouble seeking further employment. Difficulty socializing and negative impact on relationship with husband.
Reid	Anglican Church of Canada	2010	[2010] O.J. No. 5492 2010 ONSC 6417	S.C.J.	K.A. Gorman J.	Male 13 years	$25,000		The plaintiff claims that he was sexually assaulted by a choir-master at his church and that, when brought to their attention, the reverend, church and diocese did nothing to counsel or assist him thereby breaching a fiduciary duty to him. Action dimissed. Not sufficient evidence to prove that plaintiff was sexually assault. Damages were suggested in the alternative.
C.S.	Nigro	2010 June 9	[2010] O.J. No. 2486	S.C.J.	T.R. Lederer J.	Female 5-7 years 36 years at trial.	$100,000		Sexual assault causing permanent mental and psychological trauma. Victim suffered severe lack of self-esteem, preventing her from pursuing education, and causing detachment from friends and family.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
M. (K.M.)	Roman Catholic Episcopal Corp. of the Diocese of London in Ontario	2011	2011 ONSC 2143 [2011] O.J. No. 1807	S.C.J.	T.D. Little J.	Female 7-10 years 41 years at trial	$190,000	*Loss of income:* $100,000 *Special Damages*: $20,000 *Loss of Future Earnings:* $300,000	Defendant vicariously liable and negligent in knowingly allowing pastor with history of sexual abuse to work at plaintiff's parish. Plaintiff suffered repeated sexual abuse causing psychological problems which impacted her professional and personal lives. Plaintiff had trouble coping with her sexual orientation as well as the fact that she was adopted.Also suffered from a lack of self-esteem, migraines and depression.
T (K)	Vranich	2011	[2011] O.J. No. 361 2011 ONSC 683	S.C.J.	A.C.R. Whitten J.	Female 22 years	$125,000 (includes $50,000 in aggravated damages)	*Punitive damages*: $25,000 *Loss of earning capacity*: $75,000 *Future therapy costs*: $26,650 *OHIP subrogated claim*: $69.43 *Costs inclusive of disbursements*: $48,753	Plaintiff was working at a bar where she was sexually molested by the defendant, her employer. The bar which was operated by the defendant was also vicariously liable. Plaintiff suffered severe psychological problems following the incident. Her ability to interact with others was reduced as well as her ability to work at other bars. Aggravted damages were awarded due to the humiliation and distress caused to the plaintiff while punitive damages were awarded because the defendant's actions were "high-handed" and intended to take advantage of a vulnerable young woman.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Shaw	Staples	2013 June 6	[2013] O.J. No. 2636	Ont. S.C.J., Peterborough	Gunsolus J.	Female 25 years	$225,000.00 (*Includes $75,000 Aggravated Damages*)	*Past Lost Income*: $27,957.00 *Future Lost Income*: $800,000.00 *Punitive Damages*: $75,000.00 *Future Therapy*: $125,000.00	Plaintiff repeatedly sexually assaulted by defendant store clerk at knifepoint. Strangled, suffered lacerations and head trauma. Forcibly confined. Plaintiff suffers from ongoing severe anxiety, strained family relationships. Career prospects severely limited, with little prospects of resuming school, or finding full-time work.
Newfield	Staples	2013 June 6	[2013] O.J. No. 2634	S.C.J., Peterborough	Gunsolus J.	Female, 46 years	$225,000.00 (Includes $75,000 Aggravated Damages)	*Punitive Damages*: $75,000.00	Plaintiff repeatedly sexually assaulted. Severe brusing, tearing in her anus requiring stiches. Forcibly confined. Suffers from severe depression, suicidal. Unable to deal with male patients professionally, unable to speak with male strangers. Constant fear of contracting HIV. Suffered severe side-effects to anti-HIV drugs, given as a precaution.
D.M.	W.W.	2013 June 19	[2013] O.J. No. 2874	Ont. S.C.J.	I.F. Leach J.	Male 12 Years Old	$95,000.00 (Includes Aggravated Damages)	*Economic Loss:* $85,000.00 *Future Care Costs:* $11,017.00 *Punitive Damages:* $30,000.00	Plaintiff was sexually touched in a hotel room by defendant uncle in 1975. Compelled to sleep in the nude with defendant overnight. Plaintiff suffers from severe anxiety, hyper-vigilance, and difficulty in forming relationships. Grades began a steep decline following the touching, job prospects were limited.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
R.A.	J.M.	2013 August 26	[2013] O.J. No. 3869	Ont. S.C.J.	J.C. Kent J.	Male 7 Years Old Male 4 Years Old	*Plaintiff 1:* $35,000.00 *Plaintiff 2:* $35,000.00	None.	Action by plaintiffs against their mother and grandparents. Plaintiffs were sexually abused by their uncles throughout the late 1970s and 1980s. Mental trauma from sexual assault was exacerbated by extreme physical discipline from plaintiff's mother. Trial judge found that upon knowing of uncle's sexual misconducts, mother and grandparents breached fiduciary duty owed to children, to keep them safe from ongoing sexual assaults.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Langstaff	Marson	April 5, 2013	[2013] O.J. No. 1541	SCJ (Belleville)	U. Tausendfreund J.	Male 13 years	General Damages and Aggravated Damages in the amount of $347,293	*Past Income Loss in the amount of:* $450,000 *Future Income Loss in the amount of:* $925,000 *Future Care Costs in the amount of:* $297,000 *Punitive Damages in the amount of* $1,200,000 *The total award of damages was:* $ 3,219,923	Sexual assault. Teacher abused student by fondling him, performing oral sex on him and, on one occasion, sodomizing him. Periodically treated for issues with stress, insomnia, mood swings and depression. These difficulties were later diagnosed as Post-traumatic Stress Disorder
		June 19, 2013	[2013] O.J. No. 2913	SCJ					
Appeal Allowed. New trial ordered.		July 2, 2014	[2014] O.J. No. 3148	ONCA	J.C. MacPherson, D. Watt and M.L. Benotto JJ.A.				Trial judge heard a pretrial involving similar facts with the defendant. He stopped proceedings in that action because he knew the plaintiff and his family. Reasonable apprehension of bias found.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
RS	RJ	January 15, 2014	[2014] O.J. No. 332	SCJ	Frank J.	Female	$180,000	*Loss of past income:* $450,000 *Loss of future income:* $45,000 *Pecuniary damages:* $495,000	Breach of fiduciary duty to daughter by using her as a nude model in the years after she reached puberty. Battery by shaving her pubic hair in the course of making a plaster cast of her torso. Sexual assault by undoing her pants while lying next to her. Psychological problems contribute to mental distress and chronic medical issues such as eating disorders.
Whitfield	Whitfield	2014 May 01	[2014] O.J. No. 2209	Ont. S.C.J.	McIsaac J.	Female 50+ years	$250,000	*Punitive Damages*: $50,000 *Special Damages*: $54,200	Plaintiff suffered sexual abuse by her brother from age 4 through 19. Repressed memories until she was 50 years old. Plaintiff suffers from ongoing depersonalization disorder, panic disorder with agoraphobia, post-tramatic stress disorder, and a personality disorder. Plaintiff has difficulty socializing, impacting relationships with children and husband and compromises her enjoyment of life.
Prentice	Thames Valley District School Board	2015 January 30	[2015] O.J. No. 437	Ont. S.C.J.	A.D. Grace J.	Female	$80,000	*Family Law Act Claim: Mother* $62,489 *Family Law Act Claim: Grandmother* $8,000	Plaintiff was sexually assaulted in school washroom. Plaintiff is a special needs student. Sexual assault has had a significant negative impact on her.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McIntomney	Evangelista Esate	2015 March 03	[2015] O.J. No. 1005	Ont. S.C.J.	A.D. Kurke J.	Female 41	$50,000	None	Plaintiff was sexually assaulted, threatened and harassed. Plaintiff suffered vaginal pain, soft tissue pain in her neck, shoulder, and upper chest, scratches and bruising on her wrist knee and between her breasts. Prior henia injury was aggravated causing sever pain in her abdomen. She vomited blood for a period of time after the incident. Plaintiff anxiety, nausea, nightmares and difficulty sleeping. Defendant was a neighbour, which caused distress. Plaintiff's work ability was impacted.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Doyle Defendant appealed moral damage award.	Zochem	2017 February 15	[2017] O.J. No. 748	ONCA	K.M. Weiler, S.E. Pepall and G.T. Trotter JJ.A.	Female, 44	$85,000.00 ($60,000.00 for moral damages and $25,000.00 for breach of rights under the *Human Rights Code*)		Plaintiff suffered damages as a result of wrongful dismissal, sexual harassment, and denial of short term disability benefits. Plaintiff was put on medication for anxiety because she was constantly shaking. She had migraines, chest pains and sleep disturbances, including nightmares about the sexual harassment and the dismissive manner of her termination. Plaintiff was diagnosed with major depressive disorder, with anxiety. Prior to the termination, the plaintiff suffered from long-standing clinical depression. The defendant knew this and breached plaintiff's right to privacy by disclosing the plaintiff's clinical depression to certain management employees. The defendant also denied the plaintiff short-term disability benefits for six months even though she qualified. Appeal dismissed. Moral damage award upheld.

Sexual Assault/Abuse									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Kingston Road Animal Hospital Professional Corp. Plaintiff's appeal dismissed.	Paulin	2016 October 6	[2016] O.J. No. 5147	S.C.J Divisional Court-Toronto	Stewart J.	Female	$3,500.00		In May 2014, the plaintiff commenced an action alleging that the defendant created a toxic work environment and had caused it to incur investigative costs. In June 2014, the defendant brought her own claim against the plaintiff for infliction of mental suffering due to the inappropriate sexual comments and actions of a doctor. The defendant became depressed, devastated, and upset over these actions. She complained to another veterinarian at the hospital but no action was taken. The trial judge allowed the defendant's claim and awarded her $3,500.00 for damages for intentional infliction of mental suffering caused to her by the doctor. The plaintiff's appeal was dismissed.
Zando	Ali	2017 April 5	2017 ONSC 1289	S.C.J	J.N. Morissette J.	Female, 44	$175,000.00	*Punitive damages:* $25,000.00	Plaintiff, a physician, suffered injuries as a result of single occrance of sexual assault. She was diagnosed with Major Depressive Disorder with features of Post-Traumatic Stress Disorder. Defendant not crimally charged for offence. Conduct denounced by awarding plaintiff punitive damage award.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Gray	Macklin	2000 Additional Reasons (2001)	[2000] O. J. No. 4603, 7 M.V.R. (4th) 264, 4 C.C.L.T. (3d) 13 Additional Reasons: [2001] O. J. No. 664 (QL)	S.C.J. Newmarket, Ontario	Shaughnessy J.	Female 15 years	$175,000.00	*Future loss of income:* $764,693.30 *Future care expenses*: $81,203.05 *Family Law Act Claims*: Mother - $30,000.00 Father - $12,000.00 Brother (passenger in car) - $7,500.00	Car accident. Basal skull fracture. Hemorrhage into left temporal lobe. Affected ability to discriminate and understand speech. Fracture of left petrous and temporal bones of skull – loss of hearing. Numerous other fractures, lacerations, ligament tears. Psychological impairments. Affected ability to enjoy life and be employed.
R. J.	White	2001 January 18 Additional reasons February 8, 2001	[2001] O.J. No. 133; (2001) 52 O.R. (3d) 353; [2001] O.T.C. 20	S.C.J. Toronto, Ontario	Nordheimer J.	Female 40 years	$20,000.00		Sexual assault by dentist when aged 13. Post-traumatic stress syndrome. Worsened over time. Negative attitude towards men and affected 2 marriages. Falshbacks, terror dreams, anger.
Clark	Doublerink Arenas Ltd.	2001 May 14	[2001] O.J. No. 1841 [2001] O.T.C. 364	S.C.J. Toronto, Ontario	Pitt J.	Male	$60,000.00		Dislocated left shoulder, nerve damage to left arm. Fractured left tibia and fibula. Pain in neck, shoulders, back, spine, arms and legs. Emotional stress and depression. Insomnia. Predisposed to future problems. Shoulder later re-injured in work-related accident.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Abou-Marie (Litigation Guardian of)	Baskey	2001 October 1	[2001] O.J. No. 4898; 56 O.R. (3d) 360	S.C.J. Toronto, Ontario	Jennings J.	Female 10 years	$100,000.00	*Family Law Act Claims*: Mother - $18,000.00 Father - $18,000.00 Sister - $8,000.00 2 brothers – $5,000.00 each	Severe closed head injury. Compound fracture of wrist. Scarring. Coma for 13 days. Contusion. Residual intellectual impairment. Re-learn basic skills. Could continue school and university but loss of pre-accident potential. Increased tearfulness, tantrums, and psychological problems.
Bakhtiari	Axes Investment Inc.	2001 November 30	[2001] O.J. No. 4720 (2001) 24 M.P.L.R. (3d) 248, [2001] O. T.C. 855 Additional Reasons: [2003] O. J. No. 158	S.C.J. Toronto, Ontario	Lane J.	Male 20 years	$100,000.00	*Future loss of income*: $377,510.00 *Family Law Act claim*: Brother - $10,000.00	Smoke inhalation. Chemical burn to eyes. Serious injury to plaintiff's mother. Plaintiff suffered from guilt. Psychological problems. Some degree of dementia 5 years earlier than would have been the case. Intellectually capable and got engineering degree but concentration impaired.
Miller	Moulure Alexandria Moulding Inc.	2001 December 21	[2001] O. J. No. 5463; [2001] O.T.C. 967; (2001), 36 C.C.L.I. (3d) 127	S.C.J. Simcoe, Ontario	Lofchik J.	Female	$55,000.00	*Future loss of earnings:* $90,000.00	Soft tissue injuries exacerbated previous back problems and resulted in continuous neck, shoulder and lower back pain. Significant possibility of non return to full time employment. Possible permanent disability. Post-traumatic stress symptoms. Reactive depression.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
O'Day	Facoetti Estate	2002 June 14	S.C.J.: [2002] O. J. No. 2374; [2002] O.T.C. 425 Additional Reasons: [2002] O. J. No. 2804	S.C.J. Toronto, Ontario	Pitt J.	Male	$50,000.00	*Loss of competitive advantage*: $20,000.00	Long haul truck driver. Soft tissue injury to lumbar spine. No longer returned to recreational sports. Post-traumatic stress disorder. Limited work as driver of cement mixing truck in metropolitan area.
Jalakah (Litigation Guardian) (a.k.a.: Jalakh)	Zimmerman	2002 October 30 Additional Reasons December 5, 2002	[2002] O. J. No. 4227; [2002] O.T.C. 841 Additional Reasons: [2002] O. J. No. 4726	S.C.J. Ottawa, Ontario	Aitken J.	Male	$45,000.00	*Family Law Act Claim*: Wife - $5,000.00	6 motor vehicle accidents. This was 2nd collision. Pre-accident health problems including obesity, high blood pressure, high cholesterol & degenerative disc disease. Soft tissue injuries. 2nd accident 25% responsible for plaintiff's chronic pain syndrome, 15% responsible for stress & anxiety and 15% responsible for adaptation disorder.
Silva	Valmana	2003	2003 CarswellOnt 2354 [2003] OJ No. 2571	S.C.J.	Hoilett	Male 37 years	$100,000.00		post traumatic stress disorder, major depression, dysthemia, panic disorder, general anxiety disorder, pain resulting in diminished enjoyment of life; shot in the right posterior chest; CA varied finding of liability against doctor and damages award [2005] OJ No. 2219

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Beardon	Lee	2003	2003 CarswellOnt 1178 [2003] OJ No. 1261	S.C.J.	Sanderson	Male 59 years	$80,000.00	*Family Law Act Claim*: Spouse: $17,500.00	Missed diagnosis of appendicitis and peritonitis and after effects including severe untreated pain over several days leading up to the rupture of appendix ; the trauma of life-threatening peritonitis and an emergency appendectomy; the painful and debilitating after-effects of all the related surgeries and convalescences; the uncertainty between as to whether a satisfactory fusion of his incision would ever be achieved: and the frustration and anxiety resulting from the adverse effects of all of the above on his career and personal relationships; scarring materially contributed to clinical depression from which he continues to suffer.
Walker	Ritchie	2003 January 3	[2003] O.J. No. 18, [2003] O.T.C. 3	S.C.J. Sarnia, Ontario	Brockenshire J.	Female 17 years	$250,000.00	*Loss of interdependent relationship*: $125,000.00 *Future loss of earnings*: $1,421,225 *Family Law Act Claims*: Mother - $65,000.00 *Family Law Act Claims* Father - $50,000.00 *Family Law Act Claims* 3 sisters - $15,000.00 each	Severe traumatic brain damage. 6 week coma. 6 month amnesia. Severe motor disability. Fracture of right ulna, proximal phalanx of left middle finger, small osteochondral chip of bone anteriorly in left ankle. Lacerations of right forehead & right shoulder. Facial droop, dysarthric speech, jerky eye, slow arm movement. Neurologic effect worsens with time. Unable to retain competitive employment.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lauricella	Hamilton (City)	2003 January 17	[2003] O. J. No. 664; (2003), 35 M.P.L.R. (3d) 183	S.C.J. Simcoe, Ontario	Lofchik J.	Female 18 years	$100,000.00	*Future psychological care*: $8,000.00 *Extra cosmetics & treatment*: $14,500.00 *Teeth veneering*: $500.00 *Family Law Act Claim*: Mother - $15,000.00	Extensive facial injury & lacerations falling off bicycle. Fractured nose. Pulled back appearance. Permanent obstruction of airway. Extensive damage to teeth. Depression. Post-traumatic stress disorder. Low self-esteem. Negative self-image. Four surgeries to repair nose and revise scars. Reduction of damages by 50% damages due to Plaintiffs contributory negligence. Family Law Act is also reduced 50%.
Williams	Mendez	2003 January 23	[2003] O. J. No. 465 Additional reasons: [2003] O. J. No. 473	S.C.J. Newmarket, Ontario	Shaughnessy R.S.J.	Female 39 years	$120,000.00	*Future loss of earnings* $130,931.20	Multiple soft tissue injuries. Injury to arms, elbow, lower back, neck, shoulders. Disfiguring & permanent scars. Neurostimulator malfunctioned. Significant emotional distress. Likely to be permanent. Assistance with all chores. Lessened sports activities.
D. (C.)	D. (R.)	2003 January 31	[2003] O.J. No. 281	S.C.J. Ottawa, Ontario	Chadwick J.	Female	Against father - $200,000.00	Aggravated Damages $50,000.00 Against mother for conspiracy to commit murder: $50,000.00	Sexual assault by stepfather. Fondled and molested. Period from 12 – 16 yrs. Stepfather convicted of assault of pl. and granddaughter. His wife hired contract killer to kill him. She underwent counselling. Pl.'s emotional growth arrested.
Cho	Cho	2003 February 27	[2003] O.J. No. 758; (2003) 36 R.F.L. (5th) 79	S.C.J. Toronto, Ontario	Molloy J.	Male and Female (brother and sister)	$125,000.00 each	*Past and Future loss of income*: $850,000.00 each	Extremely violent, persistent abuse by mother. Slammed into doors, food shoved into mouth, severe burns, head held under water until passed out etc. Extreme post-traumatic stress, unable to develop any relationship and arthritis.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Lurtz	Duchesne	2003 April 16 Additional reasons: April 16, 2003 Appealed to Ont. C.A.	[2003] O. J. No. 1540 Additional reasons: [2003] O. J. No. 1541	S.C.J. Ottawa, Ontario	Lalonde J.	Female 43 Years	$95,000.00	*Family Law claims*: Mother - $45,000.00	The serious illness was the secretion of excessive growth hormone. Failure to diagnose acromegaly. Dr.'s failure to educate herself, seek specialist assistance and apprise specialist of all info in her possession. Delay exacerbated pl.'s conditn. Hormone therapy, poor quality of life, lower life expectancy. Unable to continue life normally. No chance of future employment. Awarded other categories of damages.
Barrick Gold Corp.	Lopehandia	2004	31 C.P.R. (4th) 401	C.A.	Doherty, Laskin, Blair	Corporation	$75,000.00	*Punitive damages* $50,000.00	(libel action involving massive Internet campaign accusing plaintiff gold-producing corporation of many forms of criminal misconduct) Defamation
Brown	Flaharty	2004	[2004] O.J. No. 2539	S.C.J.	Jenkins	Male	$90,000.00	*Past Income Loss*:$144,800.00 *Future Loss of income*; $297,383.40 *Special Damages*: $181,838.95 *Future Cost Care*: $230,117.89 *Family Law Act* Claim: Spouse- $20,000.00 *Family Law Act Claim*: 3 daughters $5,000.00 each.	MVA - soft tissue injuries to neck and back; chronic pain syndrome and depression.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Anderson	Excel Collection Services Ltd.	2004	[2004] O.J. No. 4645	S.C.J.	Mungovan D.J.	Male	$5,000.00		Defendant collection agency made threatening phone calls on behalf of plaintiff's landlord. Odious nature of calls caused plaintiff stress, worry, and trauma.
Da Costa	Mardarowicz	2004	[2004] O.J. No. 2488	S.C.J.	Dawson	Female	$7,500.00	*loss of income* $4,097.00	Sexual harassment following MVA - depression, nightmares, anxiety and panic ; relationship with husband strained ; (It was difficult however to distinguish between psychological consequences from car accident and from sexual harassment)
Zorn-Smith	Bank of Montreal	2004	2004 C.L.L.C. 210-012	S.C.J.	Aitken	Female 35 years	$15,000.00		Employment law - intentional infliction of mental suffering
D.J.	K.C.	2004	[2004] O.J. No. 1453	S.C.J.	MacDougall J.	Male	One Officer liable to pay Plaintiff $50,000.00 Another Officer liable to pay Plaintiff $25,000.00 Another Officer liable to pay Plaintiff $15,000.00 The police services were liable to Plainitff for $50,000.00	*Family Law Act*: $4,000.00	Police officers - malicious prosecution, negligence and defamation
Murphy	Alexander	2004	183 O.A.C. 325	C.A.	Labrosse, Abella, Cronk	Male	$10,000.00	*Aggravated damages* $15,000.00 for malice and hostility	Employment law - defamation

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McLoughlin	Arbor Memorial Services Inc.	2004	[2004] O.J. No. 5003	S.C.J.	Hockin	Female-Spouse Female-Children 2 females and 1 Male-Grandchildren	$12,500.00	*Family Law Act: spouse*: $5,000.00 *Family Law Act: spouse* 3 Children at $1,500.00 each; *Family Law Act: spouse* 3 Children at $1,000.00 each	Mishandling of deceased's cremation and the interment of the remains - mental distress
Saelman	Hill	2004	20 R.P.R. (4th) 118	S.C.J.	Hackland	2 Males: 72 years and 48 years	$7,500.00 $5,000.00		Neighbours dispute - pain and mental distress
Wood	Hungerford (Township)	2004	3 M.P.L.R. (4th) 38	S.C.J.	Hackland	Female 28 years	$12,000.00		Sale of land case - Mental distress which could be said to be attributable to plaintiff's concerns about house, and which aggravated her depressive illness
J.R.S.	Glendinning	2004 February 2	[2004] O.J. NO. 285	S.C.J.	Kerr J.	PLs 1, 2, 3 & 5: Male PLs 4 & 6: Female PL 1: 10 years PL 2: 8 years PL 3: 6 years PL 6: 9 years	PL 1: $200,000 PL 2: $200,000 PL 3: $175,000 PL 4: $15,000 PL 5: $5,000 PL 6: $50,000		Plaintiff's suffered on-going psychological injuries following a number of sexual assaults by defendant priest.
Santamaria	James	2004 February 24	[2004] O.J. No. 744	S.C.J.	Sproat J.	Female	$2,500.00	$5,000.00 for defamation and intentional infliction of mental suffering	Assault on PL teacher by parent. Intentional infliction of mental suffering by shouting, pointing a finger & grabbing a bulletin board being held by PL. PL suffered emotional distress.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Commisso	1132165 Ontario Ltd (c.o.b. The Docks on Cherry)	2004 May 13	[2004] O.J. No. 2235	S.C.J. Toronto	Bédard D.J.	Male	$2,000.00		Suffered from pain in the neck, in the mid and lower back and in the right hand. He also said that the plaintiff was nervous, depressed and suffered from insomnia and showed feelings of embarrassment and humiliation.
Rhora	Ontario	2004 June 4	[2004] O.J. No. 3087	S.C.J. Hamilton, Ontario	Harris J.	Male 38 years	$50,000.00	*Future and Past Income Loss*: $252,750.00 *Family Law Act*: $5,000.00 each children	Psychiatric condition was aggravated. Has been subjected to criminal proceedings and as a result thereof, has suffered a loss of liberty. Sustained serious, permanent, painful personal injuries. His ability to earn income and provide support to his children has been compromised; and suffered a loss of the amenities of life.
Bardoscia	Niagara (Regional Municipality) Police Services Board	2004 June 4	[2004] O.J. No. 2335	S.C.J. Niagara, Ontario	Taliano J.	Male 57 years	$15,000.00 (provisionally)	*Pecuniary loss* $30,534.92	Detention for a period of four nights, suffered emotional stress resulting from arrest, and humiliation because of the publicity that appeared in the local paper, prize gun collection seized and not returned for 3 years.
Tucker	Cadillac Fairview Corp	2004 July 23	[2005] O.J. No. 2921	Division C. Hamilton, Ontario	Aston J., Matlow J., Then J.	Male	$15,000.00		Forcibly arrested for trespassing -- Plaintiffs commenced action against mall owner for damages for false arrest and false imprisonment.
Digiorgio	Smardenka	2004 October 5	[2004] O.J. No. 4147	S.C.J. Toronto, Ontario	Keenan J.	Male 50 years	$50,000.00	*Special Damage*: $4,693.19	Headaches and chest pain probably related to the fractured ribs. He also had problems in breathing which are related to fractured ribs caused by kicks in the chest area. Clearly suffered a post-traumatic stress disorder, which remains unresolved
Ross	Holley	2004 November 9	[2004] O.J. No. 4643	S.C.J. Ontario	Low J.	Female	$75,000.00	*Aggravated damages*: $50,000.00	Defamatory statements about plaintiff made by defendant by e-mails in an effort to discredit plaintiff, statements were defamatory and were made with malice.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Desbiens	Mordini	2004 November 18	[2004] O.J. No. 4735	S.C.J.	Spiegel J.	Male 56 years	$165,000.00	*Family Law Act:* Wife- $40,000.00 *Future care costs:* $919,400.00	Motor Vehicle/Wheelchair collision -- fractured femur, leg & hip swelling, loss of consciousness, surgery, pressure sore, dizziness, poor memory, sleep disturbance, headaches, back, neck, elbow & knee pain, problems with attention & concentration, emotional distress, severe depression, severe anxiety, chronic back pain; 40% impairment of whole person.
Somerville	Ashcroft Development Inc.	2005	[2005] W.D.F.L. 3854	S.C.J.	Maranger J.	Male and Female	$15,000.00		Mental stress and emotional upset; loss of enjoyment of life
Stanford Estate	Roy	2005 January 13	[2005] O.J. No. 987	S.C.J.	J.J. Cavarzan J.	Male 15 years	$25,000.00		Sexual assault & breach of fiduciary duty by health care counsellor at psychiatric hospital. PL alleged that as result of abuse, he engaged in sexually promiscuous conduct, and abused alcohol and drugs. He also suffered from severe depression, loss of confidence and self-esteem, post-traumatic stress disorder, and pain and suffering. Exacerbation of PL's self-destructive behaviour. PL died when he was 47.
Cowles	Balac	2005 January 27 2006 December 15	[2005] O.J. No. 229 [2006] O.J. No. 4963	S.C.J. Ontario Court ofAppeal	J.L. MacFarland J. D.R. O'Connor A.C.J.O., S. Borins and P.S. Rouleau JJ.A.	Young female and male	Balac: $225,000.00 Cowles: $210,000.00	*Past loss of income:* Balac- $247,053.00 Cowles- $298,528.00 *Future loss of income:* Balac- $1,191.00 Cowles- $250,000.00 *Family Law Act claims*: Cowles's mother- $20,000.00	Paintiffs attacked by tiger in safari park. Cowles: unsightly scars to hip and scalp, and symptoms of PTSD. Balac: disfigured right forearm and also significantly disabled - fine motor skills lost. He also suffered psychologically. Costs endorsed on appeal.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
								Family Law Act claims Children $10,000 each *Family Law Act claims* Balac's mother $20,000.00 *Family Law Act* claims: Balac's father- $17, *Family Law Act claims*: Balac's sister $12,000.00 *Costs (including disbursements)* $120,000	
Meloche	Bezaire	2005 March 14	[2005] O.J. No. 947	S.C.J. Windsor, Ontario	McGarry J.	Female 54 years	$30,000.00	*Family Law Act Claim*: Husband- $4,000.00	Bite wound on calf, forearm, thigh, hip, scratches, bruises, scrapes; left with visible scarring; developed anxiety and fear of dogs.
Hornick	Kochinsky	2005 March 29	[2005] O.J. No. 1629	S.C.J. Chatman, Ontario	Thomson J.	Male 39 years	$125,000.00	*Past loss of income*: $14,390.00 *Family Law Act*: wife-$45,000.00 *Family Law Act* Sons- $45,000.00 each	Severe whiplash and brain injury as result of MVA. Ongoing problems with lower back, left shoulder and right knee. Soft tissue injuries. Severe adjustment disorder involving significant anxiety, depression and frustration.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Mustapha	Culligan of Canada Ltd.	2005 April 7	[2005] O.J. No. 1469	S.C.J.	J.H. Brockenshire J.	Male 41 years	$80, 000. 00	*Special Damages:* $24, 174.58 *Past Economic Losses:* $122, 400. 00 *Future Economic Losses:* $115, 200. 00 *Costs:* $101, 541.26	PL observed dead fly & part of another one in sealed bottle of drinking water -- nausea, vomiting, abdominal pain, nightmares, loss of sleep, constipation, personality changes in form of loss of sense of humour, argumentativeness & edginess, mood changes, loss of libido, major depressive disorder, inability to drink water, anxiety, phobias, obsessive thoughts.
		2006 April 30	[2006] O.J. No. 1574	S.C.J.	J.H. Brockenshire J.				
Appeal allowed. Judgment below in favour of the plaintiff was set aside.		2006 December 15	[2006] O.J. No. 4964	Ont. C.A. Toronto, Ontario	E.A. Cronk, R.A. Blair JJ.A. and E.F. Then J. (ad hoc)				Trial judge's decision set-aside on appeal and in its place judgment was granted dismissing the plaintiff's cause of action.
Appeal and Cross-appeal dismissed.		2008 May 22	[2008] O.J. No. 27	S.C.C.	McLachlin C.J. and Bastarache, Binnie, LeBel, Deschamps, Fish, Abella, Charron and Rothstein JJ.				
Bras	Pietraszek	2005 April 26	[2005] O.J. No. 1659	S.C.J.	R.W.M. Pitt J.	Female	$45,000.00		Assault/Battery: unspecified injury to nose, bruising under eyes, loss of hair, other minor bruising, anxiety, depression, ongoing emotional stress.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Al-Harazi	Niagara	2005 May 10	[2005] O.J. No. 1859	S.C.J.	L.M. Walters J.	Male	$20,000.00	$1,000.00 to wife for emotional shock	Wrongful arrest, unlawful detention, negligence and malicious prosecution by police. Mental anguish & humiliation. No ongoing mental or physical suffering. PL's wife sought damages for emotional shock and distress.
Hamilton	X-Copper Legal Services Inc.	2005 June 10	[2005] O.J. No. 2463	S.C.J.	E.M. Stewart J.	Male 32	$25,000.00		PL spent two nights in jail as result of DF's negligence in failing to inform him of new trial date. PL upset & frightened. Subjected to strip search on arrival at jail.
T.W.	Seo	2005 June 17	[2005] O.J. No. 2467	C.A.	J.M. Simmons, E.E. Gillese JJ.A. and P.C. Hennessy J. (ad hoc)	Female 21 years	$25,000.00	*Aggravated damages* $10,000.00	Sexual Assault. Performance of unauthorized tests & surreptitious videotaping by ultrasound technician. Moderate post-traumatic stress disorder, moderately severe to severe chronic depression, short-term emotional & psychological trauma.
Spring	Zellers Inc.	2005 August 12	[2005] O.J. No. 3402	S.C.J.	Walters J.	Female	$35,000.00	*Future Care Cost* $5,000.00	Bruising of the right ear, right jaw, and watering of her right eye. Constant headache on her right side. Soft tissue injury to her neck, shoulder and arm has not resolved and she is now in chronic pain and is being treated for depression because of this chronic pain. She continues to have pain and stiffness in the right hand and arm and at times her hand is swollen and dusty in color.
Coutu	Toronto (City)	2005 August 22	[2005] O.J. No. 3833	S.C.J. Toronto, Ontario	Thomson J.	Male	$5,000.00		Suffered fear, shock, discomfort and upset from incident

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
R.K. (Kauk) Appeal Dismissed	Dickson	2005 September 1 2008 February 12	[2005] O.J. No. 3633 [2008] O.J. No. 431	S.C.J. Ont C.A. Toronto ON	C.A. Tucker K.N. Feldman, J.L. MacFarland and D. Watt JJ.A.	Female 46	$75,000	*Past income lost* $44,937 *Medication* $1200 *OHIP $4127.10* *Future Psychiatric Treatment* $20,000	Plaintiff sexually and physically assaulted; confined to home for 1 month after assault, depression, suicidal ideation, post traumatic stress disorder, facial scarring
Nyamadi	Mississauga (City)	2005 October 7	[2005] O.J.R.E. 97519	S.C.J. Hamilton, Ontario	Morawetz J.	Female 19 years	$35,000.00	*Past Income Loss:* $10,981.61	Headaches, neck strain, right shoulder strain, back pain, chest pain, lower back pain, pain in the arms, bladder injury, muscle spasm, myofascial injuries throughout her body, and contusions. She claims that she suffers, and will continue to suffer permanent and serious psychological injuries, including hypertension, insomnia, fatigue, stress, depression, anxiety, irritability, memory loss, and cognitive difficulties.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hockley Appeal allowed in part.	Riley	2005 October 20 2007 November 26	[2005] O.J. No. 5144 88 O.R. (3d) 1	S.C.J. Brantford Ont. C.A.	Festeryga J. Cronk, Gillese (dissenting) and Epstein JJ.A.	Female Victim: Seven Trial: 29	$100,000	*Exemplary damages:* $20,000 *Exemplary damages set aside*	Plaintiff suing both assailant, and former assailant's ex-wife. Ex-wife found to have fiduciary duty to protect plaintiff while in her care. Defendants jointly and severally responsible. Exemplary damages against ex-wife only. Assailant masturbating in front of young girl (7-8 years old). Affecting current relationships with children and husband. T.J. reasons contained no indication that he undertook the necessary evaluation of whether an award of exemplary damages, in addition to the sizeable award of general damages, was necessary or rationally required.
McIntyre	TTC Insurance Co.	2006 January 20	[2006] O.J. No. 201	S.C.J.	W.P. Somers	Female Age Unknown		*Loss of Income* $22,708	Plaintiff was passenger in bus that was hit by car; As a result of depression and pain caused by accident, plaintiff relapsed into drug dependency
Ruscinski	Ruscinski	2006 January 31	[2006] O.J. No. 1274	S.C.J. Family Court - Hamilton	J.J. Cavarzan J.	Female 41 years	$5,000.00		Plaintiff was assaulted and suffered an 8 mm laceration on her gum, bruising on her arms and legs, jaw pain, neck pain and shoulder pain. Plaintiff also suffered mental distress and underwent physiotherapy for approximately 6 months.
Tsoutsoulas Claim was statute barred - damages calculated but not awarded.	Canada	2006 March 14	[2006] O.J. No. 1020	S.C.J.	B.P. Wright J.	Male	$25,000 Claim was statute barred & no liability - damages calculated but not awarded		Plaintiff was a police officer who was bitten on the hand by an HIV positive male prostitute who was on statutory release from prison. Plaintiff experienced suffering for several months due to the uncertainty of whether he had become infected by HIV.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
K.K. Appeal allowed in part.	K.W.G	2006 June 30 2008 June 20	[2006] O.J. No. 2672 [2008] O.J. No. 2436	Ont. S.C.J. Ont. C.A. Toronto ON	R.J. Haines J K.M. Weiler, E.A. Cronk and R.A. Blair JJ.A..	Female, Victim: 10-17 Trial: 65	$100,000.00	*Loss of income:* $100,000.00 *Future care (therapeutic needs):* $30,000.00 *Loss of income* reassessed at $20,000.00	Sexual abuse by father almost every night. Mother failed to protect daughter from father's abuse, of which she was aware. He removed her clothes, looked at her breasts and genitals, touched her and asked her to touch his penis, fondled her, penetrated her vagina with his fingers, rubbed his penis between her legs, had her rub his penis and usually ejaculated on her and her nightgown. Factors on which T.J. based award overlapped with those pertinent to his assessment of general damages. Also, did not consider other complex contingencies.
MacRae	Santa	2006 September 26	[2006] O.J. No. 3852	S.C.J.	J.F. McCartney J.	Male	$25,000.00		The plaintiff, a former city manager, was awarded damages for defamation. Plaintiff was defamed in a campaign brochure.
Nguyen	792267 Ontario Ltd.	2006 October 12	[2006] O.J. No. 4756	S.C.J.	Pitt J.	Male	$15,000.00	*Loss of income:* $22,500.00 *Punitive damages:* $7,500.00	The plaintiff was illegally locked out of the commercial premises. The defendant was tardy in allowing re-entry to the premises following an order of the Court. The defendant and the defendant's agent threatened to lock the plaintiff out and restrict his hours of work. The defendant negligently locked the tenant's brother in the premises. The defendant delayed removing a dead rat from the premises and was rude and threatening to the plaintiff's brother.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McIntyre	Grigg	2006 November 6	[2006] O.J. No. 4420	Ontario Court of Appeal, Toronto Appeal from Superior Court of Justice	R.R. McMurtry,K.M Weiler, R.A. Blair	Female University student	$250,000	*Punitive* reduced from $100,000 to $20,000 *FLA claims*: $15,000 for each parent and $5000 for sister *Aggravated damages* of $100,000 disallowed	Appeal allowed with respect to aggravated damages, *FLA* claims and punitive damages Plaintiff gifted athlete; suffered closed head injury, broken right femur; continued lower back pain, knee, ankle and shin discomfort, scarring on leg; brain trauma leading to depression, psychotic episodes, paranoia, two suicide attempts
Tait	Greater Niagara General Hospital	2006 November 7	[2006] O.J. No. 4479	S.C.J.	L.M. Walters J.	Male 44 years at trial. Approximately 38 at time of incident.	$200,000.	*Family Law Act claims:* Daughter - $25,000.00 Wife - $50,000.00 *Future loss of income:* $5,000.00 per year until age 55 - Present value amount agreed upon by parties	The plaintiff suffered a needle stick injury to his conus during the spinal anaesthesia performed by the defendant. The defendant failed to cease the injection when the plaintiff experienced pain. As a result the plaintiff suffered urinary incontinence, fecal incontinence, impotency, and sensory loss in his groin area. The injuries are ongoing and have resulted in humiliation to the plaintiff. He is forced to wear diapers, accidents are frequent and embarrassing. He has also suffered the loss of an intimate relationship with his wife. Prior poor health. The plaintiff had long term uncontrolled diabetes, he was morbidly obese, suffered from hypertension, sleep apnea, a heart irregularity and a blood disorder.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Pearson	Mian	2006 November 20	[2006] O.J. No. 4635	S.C.J.	J.A. Thorburn J.	Male	$25,000.00		Defendants falsely alleged that the plaintiff had assaulted one of them during a traffic stop. Short term emotional effects & suffering as a result of the charges against him. Plaintiff's future career prospects were only temporarily held in abeyance until such time as the charges were dismissed.
Hamasni	Nagai	2007 February 13	[2007] O.J. No. 1326	Ont. S.C.J. St. Catherines Ont.	D.S. Crane J.	Male Incident: 41 years Trial: 54	$90,000.00	*Past income loss:* $650,000.00 *Future income loss:* $250,000.00 *Family Law Act Claim: Past Attendant Care:* Wife – $75,000.00 *Family Law Act Claim: Future Attendant Care:* Wife – $25,000.00 *Loss of CG&C:* Wife – $35,000.00 Children (2) – $15,000.00 (each)	Physician negligence. The physician, a nephrologist, failed to correctly diagnose an epidural abscess. The patient suffered pain, depression and failure of his business as a result of the physician's negligence. Physician did not investigate the plaintiff's complaints, assuming the pain was due to soft tissue injuries from the accident.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Soares	Costa	2007 February 20	2007 CarswellOnt 1502	Ont. S.C.J.	Echlin, J.	Male	Injured: $95,000.00 Wife: $25,000.00 Sons (2): $35,000.00 (each)	*Past loss of income:* Injured - $75,000.00 Wife – $10,000 *Future loss of income:* Injured - $50,000.00 *Punitive Damages:* $25,000.00 *Mental Distress of wife:* $5,000.00 *Ohip Subrogated Claim:* $13,216.49	Severely beaten. Significant head injuries. 4 inch gash to the left side of his head and a compound depressed skull fracture. Severe brain trauma, memory loss, headaches, sleep and speech disruption, emotional distress, depression, fatigue, post-traumatic amnesia for 34 hours, difficulties in concentration and memory, anxiety and back pain. Completely unable to work for almost 5 years.
Finocchio	Kurtesi	2007 March 21	[2007] O.J. No. 5581	Ont. S.C.J.	H.M. O'Connell J.	Male	$75,000.00	*Aggravated Damages:* $50,000.00	Defamation. P operated a hot dog cart, and Ds were his competitors. In order to try to prevent the plaintiff from getting his vending license renewed, Ds sent an e-mail to the Clerk of the town instructing that it be delivered to council. The e-mail indicated that the P was a drug dealing, child molesting, piece of garbage, that he was a danger to children and a pervert, and that renewing the P's license would amount to releasing an animal on the streets. The remarks were untrue, and were made to harm P's reputation.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Smith Appeal Dismissed	Liwanpo	2007 April 23 2008 July 10	[2007] O.J. No. 1542 [2008] O.J. No. 2714	Ont. S.C.J. Ont. C.A. Toronto ON	J.N. Morissette J. W.K. Winkler C.J.O., K.N. Feldman J.A. and J.L. Lax J. (ad hoc)	Male 61 years	$100,000.00	*Loss of past income:* $80,000.00 *Loss of future income*: $55,000.00 *Family law act claim:* Wife – $25,000.00 *OHIP Subrogated Claim* $67,700.00 *Personal Expenses (wife)* $7,270.00	Malpractice action. P lost almost entire colon and a large part of small bowel. No longer able to work as shunter and be active as farmer, horseman or cattle penner. Loss of enjoyment to live due to frequency and urgency of bowel movements. Depression and fatigue impact lifestyle and employability.
Abel	Hamelin	2007 April 30	[2007] O.J. No. 1927	Ont. S.C.J.	C.T. Hackland J.	Female, 49 years	$120,000.00	*Past loss of income:* $191,655.42 *Future loss of income:* $123,140.18 *Housekeeping and personal support:* $86,827.48	Pedestrian-motor vehicle accident. Chronic pain condition, depression and significant cognitive impairment. Pre-existing cognitive deficits were substantially exacerbated by the accident. P did not work following accident and is not expected to in the future.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Mackenzie Supplementary Reasons re pre-judgement interest	Ward	2007 May 11 2007 Sept 18	[2007] O.J. No. 1880 [2007] O.J. No. 3496	Ont. S.C.J.	W.U. Tausendfreund J.	Female 42 years	$150,000.00	*Special Damages:* $7,665.08 *Loss of past income:* $101,400.00 *Loss of future income:* $500,000.00	Odour from spilled solvent resulted in low energy and fatigue; frequent but manageable headaches; sensitivity to odours; anxiety; depression; poor short term memory; poor concentration abilities; and depression.
Arvisais-Petzold Action dismissed - damages assessed	Jolicoeur	2007 May 22	[2007] O.J. No. 2959	S.C.J.	L.L. Gauthier J.	Female 51 years	$ 5,000.00 Action dismissed - damages assessed	*Special damages -* *Legal fees to defend criminal charges:* $6,022.96 *Loss of income:* $1,200.00	Malicious prosecution where the plaintiff was charged with assault and acquitted. Plaintiff suffered distress and embarrassment.
MacKinnon	Grand River Hospital	2007 June 25 2009 March 27	[2007] O.J. No. 2504 Appeal dismissed: [2009] O.J. No. 1255	Ont. S.C.J. Ont. C.A.	C.A. Tucker J.	Female 48 years	$175,000.00	*Family Law Act claim*: 3 Children – $37,500.00 ($12,500.00 each) *Pecuniary Damages, past and future:* $400,000.00	Medical malpractice. Permanent, debilitating injuries including vascular and nerve damage. Cannot move her left arm or hand. In constant pain. Isolated life, having withdrawn from her family and children. Not expected to ever be able to work again.
Place	Ali	2007 June 27	[2007] O.J. No. 2526	Ont. S.C.J. Hamilton ON	N. Borkovich J.	Female, 23 years	$125,000.00	*Past income loss:* $119, 471.00 *Future income loss:* $250,000.00	Motor vehicle accident. Chronic pain in relation to her neck, back, shoulder and hip, disposition to further depressive, psychological problems and permanent loss of hearing and loss of balance.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Singer Appeal dismissed.	Hamilton (City)	2007 November 5 2009 July 10	[2007] O.J. No. 4250 [2009] O.J. No. 2909	Ont. S.C.J. Hamilton, ON Ont. C.A. Toronto	W.J. Festeryga J J.I. Laskin, R.G. Juriansz and G.J. Epstein JJ.A.	Female, 78 years	$110,000.00 ($45,000.00 of which attributed to psychiatric injuries)	*OHIP:* *$*21,126.55 *Family Law Act Claims:* Son – $1,500.00 3 Grandchildren – $500.00 each	Badly broken femur. Attempted suicide because of the combination of her grieving the loss of her husband and the fracture of her leg, which caused her pain and immobility. Suffered major depressive episode which is said to have been "triggered" by the fracture. 14 cm scar on right knee. Appeal dismissed.
Landreau	Tremblay	2007 November 6	[2007] O.J. No. 5529	S.C.J.	R.A. Riopelle J.	Male	$60,000.00		PL injured as a result of a motor vehicle accident. PL sustained a facial laceration, mild concussion, punctured lip, dislocation of four upper teeth, fractures to a top and bottom molar, and injured shins, finger and toe. Plaintiff 35% contributorily negligent for want of care for personal safety.
Berketa	Niagara (Regional Municipality) Police Services Board	2008 January 21	[2008] O.J. No. 260	S.C.J.	J.R.H. Turnbull J.	Female 64 years	$25,000.00		Assault by police officer which resulted in bruising and abrasions to her hands. As a result of the assault the plaintiff suffered depression, anxiety, difficulty sleeping, nightmares, and emotional distress. Bruising and abrasions healed in 3 months. Plaintiff was taking anti depressants at time of trial. She continues to have nightmares and anxiety when she sees police.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Irvine (defendant by counterclaim) Both actions dismissed. Damages assessed nevertheless.	Smith (plaintiff by counterclaim)	2008 February 15	[2008] O.J. No. 547	Ont. S.C.J.	H.A. Rady J.	Claim #1: Father of deceased. Claim #2: Male	Claim #1: Not assessed. Claim #2: $40,000.00	Claim #1: Not Assessed. Claim #2: *Past loss of income:* $43,000.00 *Future loss of income:* $300,000.00 *Property Damage to Truck:* $5,000.00 *Family law act claim:* Mother – $7,500.00	Deceased son of the plaintiffs began to experience psychiatric symptoms and was not taken to the doctor. The son ran away twice in the same night, the second time which he jumped in front of a truck while walking along the highway and was killed. Claim #1: Plaintiff's argue the driver of the truck did not take reasonable steps to avoid the accident. Liability not found – D acted reasonably. Claim #2: Counter claim: Defendant argues that the father, a medical doctor, should have had his son taken to hospital after the initial psychiatric episodes. Suffers from mild case of post-traumatic stress disorder. Left his job on a road crew and mother claims loss of CG&C.
P.M.	Vallabh	2008 April 28	[2008] O.J. No. 1641	Ont. S.C.J.	L.A. Pattillo J.	Female 48	$65,000.00	*Special damages* $39,270.00 *Aggravated damages* $15,000.00	Plaintiff sexually assaulted, confined to home for 4 months after assault, agoraphobic, disturbed sleep, nightmares, trouble seeking further employment. Difficulty socializing and negative impact on relationship with husband.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Zhan	Kumar	2008 March 26	[2008] O.J. No. 1102	Ont. S.C.J.	G.D. Lemon J.	Male	$35,000.00	*Economic loss:* $4,000.00	Attacked and bit by defendant's unleashed dog. Suffered multiple lacerations over both cheeks and nose area. Most of the lacerations were superficial and healed well. One laceration on his cheek required stitches and further surgery. Plaintiff underwent lengthy medical treatment, including two operations on his face. Caused depression. P testified that the upset from the injury caused sufficient strain on his marriage that he eventually separated from his wife and daughter and was unable to return to his employment, and as a result closed the store he owned with financial loss.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Kenny	Mastromatteo	2008 June 23	[2008] O.J. No. 2485	S.C.J. Hamilton	T.R. Lofchik J.	Plaintiff 1 -- Female; Plaintiff 2 -- Male	Plaintiff 1: (Sister) $20,000 Plaintiff 2: (Brother) $10,000	Plaintiff 1: *Loss of income:* $20,000.00 *Out-of-pocket expenses:* $1,277.60 *Treatment (present & future):* $2,500.00 Plaintiff 2: *Loss of income:* $10,000.00 *Cost of attendance at trial:* $1,000.00 *Family Law Act claims:* Son of Plaintiff 1 - $ 2,500 Sister of Plaintiff 1 - $1,500.00 (For assisting in care of son)	As a result of an assault, plaintiff 1 suffered pain to her arm, head, neck, shoulders and hip. Plaintiff 1 also suffered from nervous shock and has had psychological sequelae to the assault which required psychiatric treatment. Prior to the assault, plaintiff 1 suffered from degenerative disc disease in her back and had all but recovered from a previous neck and back injury. As a result of the attack, she had a recurrence of pain in her neck, shoulders and mid-back, causing continuous headaches and impaired movement. She has undergone physiotherapy and attends a pain management clinic. Plaintiff 2 suffered lacerations to his face resulting in a small scar. The assault also had a psychological impact on the Plaintiff.
S.L. (*Leskovar* in Westlaw)	N.B. (*Braithwaite* in Westlaw)	2008 October 15	[2008] O.J. No. 4013	Ont. S.C.J.	M.H. Tulloch J.	Male 17 years	$200,000.00	*Punitive Damages:* $50,000.00 *Family Law Act claim*: Mother - $35,000.00	Brutal swarming attack. Skin graft to right arm. Broken nose and right testicle had to be removed. Required 30 stitches to his face, 30-35 stitches to his head, and about 10 stitches to his leg. Pain in head and arm continued 2-3 yrs. Pain in groin not resolved. Unable to maintain regular employment or attend school since the attack.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Chinsang Jury decision - Motion by defendant for order that plaintiff's injuries were too remote to allow recovery. Motion dismissed.	Bridson	2008 December 17	[2008] O.J. No. 5177	S.C.J.	P.H. Howden J.	Male	$150,000.00	*Past loss of income:* $43,000.00 *Future loss of income:* $800,000.00	Jury decision - Motion by defendant for order that plaintiff's injuries were too remote to allow recovery. Motor vehicle accident - Plaintiff suffered the following injuries: Neck, chest, arm, leg, back, head, brain, memory loss, elevated/increased anxiety, increased depression, arranging/processing of information. Motion dismissed.
Fuda	Conn	2009 January 19	[2009] O.J. No. 188	Ontario Superior Court of Justice	S.G. Himel J.	Male 72 years	General damages: $50,000.00	Aggravated damages: $20,000.00	A Management Information Circular was circulated among the shareholders and over the internet which contained statements suggesting that the Plaintiff had violated corporate and securities laws and was involved in organized crime. The defamatory statements damaged the Plaintiff's reputation among family, friends, shareholders, and in other corporations.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Vicari No liability - damages calculated but not awarded.	Toronto	2009 April 8	[2009] O.J. No. 1407	S.C.J.	D.R. Aston J.	Female 67 years	$25,000.00 No liability - damages calculated but not awarded.	*Ministry of Health and Long Term Care:* $12,611.70	Trip and fall due to hole in sidewalk - The plaintiff suffered injuries to her wrist face and nose resulting in a heavy nosebleed. Following day she had bruising to her face and a headache. Subsequently the plaintiff began to experience profuse nosebleeds and required hospitalization on two separate occasions for 5 days and nearly a week respectively. In hospital, a catheter was inserted in her nose to prevent further bleeding. The trauma experienced by the plaintiff significantly exacerbated her feelings of depression and anxiety. Action dismissed.
Marcoccia (Litigation Guardian of) Appeal allowed in part.	Ford Credit Canada Ltd.	2009 April 20	[2009] O.J. No. 1548	Ont. C.A. Toronto, Ontario	M. Rosenberg J.C. MacPherson P.S. Rouleau JJ.A.	Male 20 years	$312,000	*Loss of Past Income:* $5,322 *Loss of Future Income:* $1,384,918 *Future Care Costs:* $13,952,064 *Costs:* $720,000 (reduced to $657,551 on appeal)	MVA causing serious injuries to frontal and temporal lobes. Diminished functioning and enduring physical, psychological, behavioural and emotional impairments that prevent leading a normal life. Appeal reduced the substantial indemnity costs award.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Watts	Donovan	2009 May 28	[2009] O.J. No. 2208	S.C.J.	J.R. MacKinnon J.	Female 29 Years	$95,000	*Loss of Future Income:* $60,000 *Housekeeping Assistance:* $10,000 *Family Law Act:* Husband - $10,000 (Loss of care guidance and companionship)	MVA causing whiplash and mild brain trauma. Poor sleep, chronic pain, P.T.S.D., and emotional vulnerability. Thin skull.
McIntyre Appeal dismissed. Trial judgment upheld.	Docherty	2009 May 29	[2009] O.J. No. 2185	Ont. C.A. Toronto, Ontario	S.E. Lang, P.S. Rouleau and D. Watt JJ.A.	Female	$92,500.00	*Past Loss of Earnings:* $69,611.00 *Future Lost Earning Capacity:* $347,600.00 *Past Housekeeping Inefficiency Damages:* $5,000.00 *Past Lost Housekeeping Capacity:* $10,400.00 *Future Lost Housekeeping Capacity:* $44,535.00	MVA. As a result of her injuries, PL suffers from chronic pain, fibromyalgia, depression, anxiety, as well as a diminished capacity to perform housekeeping functions.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Sanchez-Pontigon	Manalansan-Lord	2009 June 2	[2009] O.J. No. 2293	S.C.J.	E. Quinlan J.	Female	$25,000.00	*Aggravated Damages:* $12,500.00 *Substantial Indemnity Costs:* $13,716.46	Defendant held liable for publishing a book falsely accusing the plaintiff of criminal activity, kidnapping and fraud. PL suffered damage to her reputation and hurt feelings for defamatory remarks contained in the defendant's book which was published over the internet.
Degennaro	Oakville Trafalgar Memorial Hospital	2009 July 2	[2009] O.J. No. 2780	Ont. S.C.J.	D.K. Gray J.	Female 40 Years	$175,000	*Loss of Past Income:* $308,100 *Loss of Future Income:* $793,900 *Future Cost of Care:* $1,680,000 *Family Law Act:* Husband - $65,000 1st Son - $25,000 2nd Son - $25,000	Accident caused by faulty folding bed, resulting in cracked sacrum. Long term pain requiring medications. Fibromyalgia from a later MVA (thin-skull). Condition caused marital stress, strained relationship with children, and was unlikely to improve.
Appeal (by Hospital) allowed in part		2011 April 26	[2011] O.J. No. 1836	Ont. C.A.	H.S. LaForme, Paul Rouleau, David Watt JJ.A.			*Future Cost of Care:* $1,305,000	Trial Judge erred in declaring future cost of care damages as undisputed and failed to critically analyze the value of these damages. C of A analyzed evidence and reduced the damages by $375,000

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Demers	Lévesque	2009 April 14	[2009] O.J. No. 1970	Ont. S.C.J.	A.J. Roy J.	Male	$50,000.00	*Dismissal:* $15,000.00 *Aggravated damages:* $35,000.00	Malicious prosecution - Plaintiff was an alcoholic and suffered from depression. The defendant had a reputation for berating the plaintiff and causing him to cry. During a meeting regarding sick leave for a detoxification program, the defendant asked the plaintiff personal questions causing him to become agitated. The plaintiff then made a comment regarding a news story where an employee gunned down his colleagues. As a result, the defendant called the police and the plaintiff was arrested and criminal charges were brought against him. The plaintiff was acquitted.
Appeal (by defendants) allowed in part		2010 October 22	[2010] O.J. No. 4524	Ont. C.A.	R.J. Sharpe, R.A. Blair and P.S. Rouleau JJ.A.			*Damages reduced by* $15,000	Damages awarded by Trial Judge relied on duplicate reasons for “Honda”/”Wallace” damages and the aggrevated damages. The “Honda”/”Wallace” damages were reveresed

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Parsons	Niagara (Regional Municipality) Police Services Board	2009 June 29	[2009] O.J. No. 2718	S.C.J.	C.R. Harris J.	Male 25 Years	*Assault:* $30,000 *False Arrest and Imprisonment:* $7,000 *Malicious Prosecution:* $12,000	*Loss of Past Income:* $5,000 *Special Damages:* $8,025 *Punitive Damages*: $20,000 *Family Law Act:* Partner - $5,000 *Nervous Shock & Emotional Distress:* Partner - $10,000 Punitive Damages Partner - $5,000	False arrest. Multiple taser shots to the genitals while handcuffed. Nervous shock and emotional distressed caused by forced detainment. Plaintiff's damages reduced to $50,000 under jurisdictional limit (Rule 76).
Ayana	Skin Klinic	2009 July 29	[2009] O.J. No. 3341	S.C.J.	D.G. Price J.	Female 44 Years	$35,000	*Future Care Costs:* $1,200 *Special Damages:* $695 *Recovery of Cost of Treatments:* $675 *Family Law Act:* Husband - $3,500 Son - $5,000 Daughter - $500	Faulty hair removal procedure causing second degree burns to neck and chin, permanent scarring. Stress and depression, PTSD, heightened sensitivity to scarring due to pre-existing cultural beliefs.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Henderson	Pearlman	2009 August 18	[2009] O.J. No. 3444	S.C.J.	P.C. Hennessy J.	Male	$60,000.00		Each of the six defendants were to pay $10,000.00 to the PL for their role in creating, publishing and republishing libellous statements made over the internet falsely accusing the PL of being a career criminal and child molester. As a result of the defendants' broad dissemination of defamatory remarks attacking the PL's character and integrity on various websites, PL suffered damage to his reputation and dignity. PL's application for summary judgment for a permanent injunction restraining the defendants from posting defamatory comments about the PL was allowed.
Greensides	Industrial Alliance Pacific Life Insurance Co.	2009 September 28	[2009] O.J. No. 4677	S.C.J.	L.B. Roberts J.	Male	$98,000.00	*Aggravated Damages- Mental Distress:* $5,000.00	MVA. Plaintiff could not make lease payments when defendant insurer refused disability benefits. Aggravated damages awarded for mental distress.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
McQueen	Echelon General Insurance Co.	2009 September 28	[2009] O.J. No. 3965	Ont. S.C.J.	C.R. Harris J.	Female 35 years	N/A	*Mental Distress:* $25,000.00 *Unnecessary Loss of Housekeeping Benefits:* $7,800.00 *Transportation Allowance:* $7,500.00 *Cost of Aborted Medical Assessment:* $2,259.91 *Cost of Failed Neurological Assessment:* $1,391.52 *Cost of Occupational Home Therapist Home Assessment:* $620.11	MVA. Plaintiff bed ridden for two months. Pre-existing medical condition included being diagnosed with bi-polar disorder and suffering from upper back pain. Defendant insurer unreasonably withheld housekeeping and transportation benefits causing mental distress.
Appealed by Defendant		2011 October 18	[2011] O.J. No. 4563	Ont. C.A.	Gillese, Armstrong and Karakatsanis JJ.A				Appeal on almost fifty grounds, with Defendant challenging all awards except for interest finding. Unsuccessful except for variation for transportation benefits – reduced from $7,500 to $2,280. Other damages not amended. Costs awarded to Plaintiff at $6500.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Dhillon	Kyriakou	2009 September 30	[2009] O.J. No. 4126	S.C.J.	J.P. Moore J.	Male	$20,000.00	*Aggravated Damages:* $5,000.00	Defendants held liable in part for publishing defamatory statements falsely accusing the PL of engaging in fraudulent activities and having the inclination to commit murder and sending them to members of the plaintiff's church and to people with whom he and his wife carried on business dealings. PL's claim for injunctive relief to restrain the defendant's from writing, publishing or communicating the alleged defamatory statements was denied. The award of $5,000.00 in aggravated damages to the plaintiff was aimed at deterring the defendant's from writing similar defamatory statements in the future.
Bourque	St. Joseph Health Centre	2009 October 2	[2009] O.J. No. 4055	S.C.J.	G.D. Lemon J.	Male 51 years	$35,000		No liability – damages calculated but not awarded. Alleged malpractice. Unspecified post-operative infection, severe ulnar neuropathy, numbness in arms & thumbs, pain in arm & hand, recurring back & leg pain and depression.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Mudford Appeal dismissed. Trial judgment upheld.	Smith	2009 October 16 2010 June 1	[2009] O.J. No. 4317 [2010] O.J. No. 2297	S.C.J. Ont. C.A. Toronto, Ontario	E.P. Belobaba J. W.K. Winkler C.J.O., S.T. Goudge and J.C. MacPherson JJ.A.	Female 53 years	$30,000.00	*Aggravated Damages:* $5,000.00	Defendant held liable for damages to PL for internet libel. Defendant posted malicious criticism of PL's personal and professional trustworthiness, integrity and falsely claimed that the PL had refused to pay two court judgments against her on the defendant's personal website and on two third-party websites. Defendant's conduct for failing to offer an apology as well as a retraction was held to be malicious and spiteful thus warranting an award of aggravated damages in the amount of $5,000.00.
Gigliotti	Fantino	2010 March 4	[2010] O.J. No. 875	S.C.J. London, Ontario	W.A. Jenkins J.	Male	$40,000		No liability – damages calculated but not awarded. Alleged false arrest. Suffers ongoing post-traumatic stress disorder, depression and sleep disruption.
Frazer Appeal dismissed. Trial judgement upheld.	Haukioja	2010 April 7	[2010] O.J. No. 1334	Ont. C.A. Toronto, Ontario	J.C. MacPherson J.M. Simmons H.S. LaForme JJ.A.	Male 31 years	*Misdiagnosis:* $2,500 *Psychological Injury:* $150,000	*Loss of Past Income:* $283,378 *Loss of Future Income:* $1,200,000 *Future Care Costs:* $14,911 *Family Law Act:* Partner - $50,000	MVA causing fractured ankle. Misdiagnosis causing psychiatric illness, anxiety disorder, panic disorder and depressive emotional states.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Galka	Stankiewicz	2010 May 17	[2010] O.J. No. 2046	S.C.J.	D.F. Baltman J.	Male 45 years	$225,000	*Loss of Future Income:* $1,500,000 *Future Care Costs:* $1,087,342 (reduced by 15% for contingencies)	An arrow pierced Plaintiff's left eye and lodged into his brain. Suffers from ongoing partial deafness, mobility & cognitive problems. Panic attacks and profound depression. Damages reduced 50% due to contributory negligence.
Piresferreira Appeal allowed in part.	Ayotte	2010 May 28	[2010] O.J. No. 2224	Ont. C.A. Toronto, Ontario	E.A. Cronk S.E. Lang R.G. Juriansz JJ.A.	Female 60 years	$45,000 (Increased to $60,000 on appeal)	*Loss of Income:* $460,955 *Family Law Act:* Partner - $15,000 (Set aside on appeal)	Assault & battery and wrongful dismissal causing mental distress, PTSD and major depressive disorder. Ongoing depression and anxiety.
C.S.	Nigro	2010 June 9	[2010] O.J. No. 2486	S.C.J.	T.R. Lederer J.	Female 5-7 years 36 years at trial.	$100,000		Sexual assault causing permanent mental and psychological trauma. Victim suffered severe lack of self-esteem, preventing her from pursuing education, and causing detachment from friends and family.
Chatterton	Cowan	2010 August 10	[2010] O.J. No. 3395	S.C.J.	P. Lauwers J.	Female 48 years at trial	$8,500	*Costs for Legal Fess:* $2,000 *Disbursements:* $1,215.92 *Loss of Pay:* $143.20 *OHIP Subrogated Claim:* $319.95	PL suffered injuries when bitten and pinned down by a large dog owned by the defendants. The defendants' dog grabbed the PL by her hip with its mouth and pinned her down for approximately five minutes on the ground. PL sustained two tooth puncture wounds to her hip, received a rabies vaccination and administered medication for pain and shock. PL also suffered from emotional trauma which manifested itself into having a fear of dogs, nightmares and trouble sleeping.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
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Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Vigna	Levant	2010 November 18		Ont. S.C.J.	R. Smith J.	Male	$25,000		Libel action - defendant made many comments about the plaintiff on his blog, some of which were held to be defamatory. Aggravating factors for damages: the plaintiff was a lawyer and the libellous comments raised doubts about his ethics; defendant was a lawyer and should know the impact of his comments on the plaintiff's professional reputation.
Bains	1420546 Ontario Inc. (c.o.b. Niagara Weekly)	2011	[2011] O.J. No. 2912	Ontario Superior Court of Justice	C.J. Brown J.	Male	General Damages: $50,000	Aggravated and Punitive Damages: $25,000	3 Plaintiffs were immigrants to Canada who ran a Punjabi language newspaper in the GTA. The corporate defendant was a competing Punjabi language newspaper and they published a defamatory article about the plaintiffs alleging that they had committed treasonous and terrorsit activities in India. Article proved to be untrue. No apology or retraction was ever printed by the corporate defendant. The article included a large picture of the Plaintiffs The plaintiffs subsequently received crank calls and death threats and suffered socially and personally in the Punjabi community. Damages on high end because of small-close knit community, large photo that accompanied article, seriousness of allegations, and lack of apology.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Hoffman	Jekel	2011	2011 ONSC 1324 [2011] O.J. No. 879	S.C.J.	D.A. Wilson J.	Male Age 57	$125,000	*Out of Pocket Expenses:* $3838.43 *Loss of Income:* $154,644.00 *Future housekeeping/home maintenance:* $74,974.00 *Legal Costs:* $80,915.58	Car accident with uninsured defendant. Plaintiff suffered chronic back pain, preventing him from driving which was required by his job. He also suffered psychological damage including PTSD and memory problems.
Margeson	Moreau	2010	2010 ONSC 6371 [2010] O.J. No. 4985	S.C.J.	DiTomaso J.	Male 32 years	$125,000	*Aggravated Damages:* $25,000 *Past Lost Income:* $77,133.44 *Future lost income:* $70,000 *Future Care Expenses:* $56,100 *Subrogated OHIP claim:* $16,788.93 *Family Law Act*: $37,500 *Trial Costs*: $15,000	Plaintiff assaulted by defendants. Suffered permanent back and neck injuries resulting in chronic pain, sleeping difficulties and depression. Plaintiff now works at a diminished capacity, has a more troubled relationship with his wife, cannot do much physical activity with his son and is largely incapable of doing house maintenance that he previously did.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Keith	Abraham	2010	2011 ONSC 2 80 C.C.L.T. (3d) 68	S.C.J.	D.M. Brown J.	Male 43 years	$100,000	*Pecuniary damages:* $100,000	Plaintiff treated by defendant psychiatrist for depression. Plaintiff claims negligence resulting in misdiagnosis responsible for subsequent manic episode. Plaintiff quit his job, left his wife and spent his savings during the manic episode. Standard of care by defenedant was not breached nor was sufficient causation shown. Action dismissed.
McDonald	Kwan	2010	2010 ONSC 5861 [2010] O.J. No. 4511	S.C.J.	Eva Frank J.	Male 36 years	$98,000 (70% of $140,000)	*Future income loss:* $579,612 *Loss of housekeeping capacity*: $66,500 *Family Law Act*: $12,000	Plaintiff's car hit by defendant's car. Plaintiff subsequently involved in two car accidents. Suffered chronic back and neck pain and extreme depression. 70% attributed to first accident. Plaintiff forced to leave work on long-term disability due to mental and physical damage.
Daboll	DeMarco	2010	[2011] O.J. No. 4 2011 ONSC 1	S.C.J.	R.A. Lococo J.	Male Adult	$50,000 (includes aggravated damages)		Defendant placed advertisements with defamatory comments about his former lawyer, the plaintiff, in local newspapers and on a website of the National Coalition for Law Societies Reform. The wide circulation of the advertisements, the repeated running of the ads and the accessibility of the comments on the internet all were considered when assessing damages.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Carrington	Corrigan	2010	2010 CarswellOnt 4916	S.C.J.	A.C.R. Whitten J.	Female Adult	$35,000 (Includes general, punitive and aggravated damages)		Plaintiff left defendant's insurance brokerage and began to work for another insurance broker. Defendant called plaintiff's new employer and falsely claimed that the plaintiff had signed a non-competition clause and had stolen property from the defendant. The plaintiff's reputation was key to her professional success and the defendant was intentionally malicious, he tried to victimize a professional subordinate.
McClean	Manorgate Estates Inc.	2010	[2010] O.J. No. 595 2010 ONSC 949	S.C.J.	L.A. Pattillo J.	Male	$14,000	*Initial/Interim Repairs*: $5,000 *Further Repairs:* $266,448 *Diminuiation in value*: $25,000	Defendant's bought property next to the plaintiff's house. The defendant's excavation of their property caused damage to the foundation of the plaintiff's house rendering it unlivable for approximately two weeks. The backyard was also unusable for three months. The damages are somewhat reduced by the plaintiff's failure to mitigate the damages sufficiently.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
T (K)	Vranich	2011	[2011] O.J. No. 361 2011 ONSC 683	S.C.J.	A.C.R. Whitten J.	Female 22 years	$125,000 (includes $50,000 in aggravated damages)	*Punitive damages*: $25,000 *Loss of earning capacity*: $75,000 *Future therapy costs*: $26,650 *OHIP subrogated claim*: $69.43 *Costs inclusive of disbursements*: $48,753	Plaintiff was working at a bar where she was sexually molested by the defendant, her employer. The bar which was operated by the defendant was also vicariously liable. Plaintiff suffered severe psychological problems following the incident. Her ability to interact with others was reduced as well as her ability to work at other bars. Aggravted damages were awarded due to the humiliation and distress caused to the plaintiff while punitive damages were awarded because the defendant's actions were "high-handed" and intended to take advantage of a vulnerable young woman.
Sarnelli	Effort Trust Co	2011	[2011] O.J. No. 1661 2011 ONSC 1080	S.C.J.	B.H. Matheson J.	Male	$5,000 (Suggested award for defamation in the alternative)	*Lack of notice*: $18,900	Plaintiff was a locksmith who did work for defendant company but was terminated without notice.The defendant's contract made up two thirds of the plaintiff's business. Plainiff was awarded damages for wrongful termination because he should have received notice prior to termination. The lack of notice award is based on six months of the plaintiff's per hour charge, materials he had acquired, previous work he had done for the defendant as well as his failure to mitigate. Action for defamation was dismissed due to lack of proof. In the alternative, $5000 would be awarded as damages for defamation despite the fact that there is no evidence of loss.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Wilson	Beck	2011	[2011] O.J. No. 3175	S.C.J.	J. N. Morissette J.	Male 34 Years		<u>Loss of Companionship</u> Wife: $85,000 Children (3): $65,000 each Mother: $30,000 Brother: $20,000 Father: $15,000 <u>Past Losses</u> Past losses of financial support, counselling fees, funeral costs and household services: $398,052.00 All discounted by 25% as contingencies for mortality and morbidity factors	Claim by wife, children and extended family of deceased for medical malpractice damages. Family doctor did not test for a bacterial infection or schedule a follow-up appointment when the deceased came to the doctor with pink eye. Nurses in the emergency room did not record his symptoms when he came to the ER with sudden shoulder pain and flu-like symptoms. The ER doctor did not notice the SARS form completed as a result of the flu-like symptoms. The EMS attendants failed to take the deceased to the hospital or take his vital signs when he called 9-1-1 because of shortness of breath. Liability was apportioned 20/20/25/35 per cent for the nurses/EMS/family doctor/emergency room doctor. Loss of support decreased because wife re-married.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Dankiewicz	Sullivan	2011	[2011] O.J. No. 2908	S.C.J.	H.A. Rady J.	Female	$5,000	*Out of pocket expenses:* $4,257	Plaintiff's backyard flooded by the defendant changing altering the grade of his backyard to redirect water drainage into plaintiff's property. Defendant's action constituted a nuisance. Non-pecuniary damages awarded for the distress, inconvenience and interference with the plaintiff's enjoyment of the land. Out of pocket expenses awarded for cost of draining the land using pumps, hoses and for replacement of treses in backyard.
Mouradian	Kay	2011 March 2	[2011] O.J. No. 908	Ont. S.C.J.	K.W. Whitaker J.	Male 50	$75,000	*Aggravated Damges:* $5,000 *Loss of Income:* $15,000	Defendant landlord called police multiple times on the plaintiff and pressed charges which were ultimately dismissed. Plaintiff spent time in detention centre and found the experience shocking and horrific, he lost weight, his hair turned white, his health has deteriorated, and his reputation was damaged.
Shaw	Shaw	2012 January 26	[2012] O.J. No. 314	Ont. SCJ	Blishen, J.	Female 63 years at time of trial, approximately 59 at time of incident	$65,000	*Loss of Competitive Advantage: $25,000* *Future Care: TBD based on actuararial findings*	Plaintiff was assaulted by Defendant, her husband. Dominant (right-hand) wrist equired surgery and the insertion of screws and a metal plate, along with cast. Diminished range of motion, pain and discomfort, weakness and numbness in fingers. Phsyiotherapy required. Sleep deprivation, depression and suicidal ideation resulting in hospitalization and psychiatric oversight.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Tubis	Zochowski	2011 Oct 7	[2011] O.J. No. 4408	Ont. SCJ	Lederer, J.	Female 79 years	$60,000	*Pecuniary:* $6,400 *Family Law Act Claim – Husband*: $10,000 *Family Law Act Claim – Son*: $2,000 *Loss of Income* – Son: $15,000	Internal bleeding of the head, loss of consciousness, fractured rib, broken front teeth resulting in extraction and bridge, facial fractures, multiple lacerations and abrasions to body. All resulting in chronic pain. Fatigue and insomnia. Behavioural changes. Difficulty with speech. Postraumatic headaches. Depression and stress.Inability to care for self and need for constant supervision. Plaintiff sought default judgment due to undefended claim, court awarded.
Pate Estate	Galway-Cavendish (Township)	2011 November 16	[2011] O.J. No. 5318	Ont. SCJ	D. Gunsulos, J.			*Punitive Damages*: $550,000	Re-trial to determine the proper quantum of damages after remit by Court of Appeal. Basis of case was that Defendant had wrongfully dismissed Plaintiff, resulting in destruction of career, marriage and reputation. Court increased quantum as municipal officials withheld information for 10 years and had yet to apologize to Plaintiff Conduct was offensive and morally repugnant.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Kirwan	London (City)	2011 November 22	[2011] O.J. No. 5597	Ont. SCJ	Liederman, J.	Female 58 years	$50,000 + 5% Pre-judgment Interest	*Family Law Act Claim – Husband*: $15,000 + 5% Pre-judgment Interest *Out-of Pocket Expenses*: $5,707.65 + 1.3% Pre-judgment Interest *Cost of Future Doctor Visits*: $1,426.14 *Past Loss of Housekeeping, Home Maintenance Capacity, Past Cost of Care, Future Loss of Care and Past Loss of Capacity to Provide Transport to Daughter*: All to be re-calculated by the parties due to mistakes made by the Plaintiff – exchange rate, hourly rates and life expectancy must be re-assessed because the Plaintiff lives in Ireland.	Plaintiff fell on uneven sidewalk in Defendant city. She injured her left hand, resulting in severe cuts and stitches. Plaintiff wedding ring and eternity ring were cut off at the hospital. Required plastic surgery, and may need surgery for the implantation of an artificial joint. Loss of full range of motion. Physical therapy required. Plaintiff was visiting from Ireland.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Elliot	Waterloo Region Police Services	2011 November 22	[2011] O.J. No. 5199	Ont. SCJ, Kitchener	Milanetti J.	Male 28 years	$25,000	*Punitive*: $2,500 *Property Damage*: $4,500	Defendant police officers conducted illegal search of Plaintiff's home while he was out. Upon his return, Plaintiff was falsely arrested and unlawfully detained. Despite informing officers he had an injured arm, arm was handcuffed and Plaintiff denied pain medication. Plaintiff was embarrassed by the situation and experienced loss of reputation in the community. Court found Defendant's Charter rights were violated, and damages flow from that injury.
Smith	663556 Ontario Inc.	2011 September 23	[2011] O.J. No. 4307	Ont. SCJ	E.A. Quinlan, J	Male	$21,000	*Compensation for Removal of Drainage Pipe: $13,314.93* *Breach of Court Order: $9,350* *Costs: $55,000*	Defendant ran a drainage pipe through Plaintiff's property and failed to maintain the pipe, causing a nuisance due to water leakage. Defendant suffered psychologically as a result of dealing with the issue for seven years.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Krawchuk	Scherbak	2011 May 5	[2011] O.J. No. 2064	Ont. C.A.	Rosenberg, Cronk and Epstein JJ.A	Female	$5,000	*Diminution in Value of Property*: $105,742.32 *Costs – Total*: $50,000	After purchasing a home from the Defendant, Plaintiff discovered significant latent defects that required high repair costs. Stress and anxiety. Cross-appeal. Plaintiff on basis that real-estate agent should have been found liable. Defendant on basis that trial judge should not have based liability on a cause of action not pleaded, there was no duty of care, and Plaintiff should not recover both under title insurance and through damages. Plaintiff appeal successful, resulting in apportionment of liability to real estate agent as joint tortfeasor. Defendant appeal unsuccessful. Both on basis that Defendant homeowners knew of the structural problems, and real estate agent should have known. Costs awarded to Plaintiff. Damages not amended.
Haridge	Ottawa Police Services Board	2011 October 24	[2011] O.J. No. 5760	Ont. SCJ Ont. Small Claims, Ottawa	D. Dwoskin Deputy J.	Male	$5,000		Plaintiff attended a demonstration and, after throwing a paint balloon that splattered paint on police officers, was arrested. Plaintiff brought to cell block. While handcuffed and detained, Plaintiff was assaulted physically and verbally by police officer. Injured thigh. Fearful of future assault. Difficulty sleeping.
Mughal	Medd	2012 May 29	215 A.C.W.S. (3d) 774 (no OJ citation available)	Ont. SCJ, Newmarket	Boris G Freesman D.J.	Male	$4,000		Plaintiff was wrongfully detained and arrested by Defendant, a conservation officer, while hunting. Defendant came upon Plaintiff and asked to see his shotgun for inspection. Defendant purposely drew out the inspection. Mental anguish and indignation due to unreasonably aggressive conduct by Defendant.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Meady	Greyhound	2012 January 31	[2012] O.J. No. 543	Ont. SCJ, Thunder Bay	Platana J.	P1: Female 70 years P2: Male 37 years P3: Female 30 years P 4: Male 28 years P5: Male 33 years P6: Male 30 years	P1: $45,000 P2: $50,000 P3: $30,000 P4: $60,000 P5: $20,000 P6: $25,000	*P1: Loss of Housekeeping: $3,000* *P1: Special Damages: $250* *P2:Family Law Act Claim – Wife: $10,000* *P3: Family Law Act Claim – Husband: $10,000* *P4: Past Wage Loss: $1,200* *P4: Loss of Future Housekeeping: $10,000*	A passenger suffering from mental illness took the wheel of a moving Greyhound bus. This forced it across the highway and rolled the bus into a ditch. Several passengers suffered various injuries. P1: stitches to head and leg, cast then crutches, headaches, knee pain. P2: anxiety disorder/ PTSD, cut on head and left leg, strained neck, bruising of the right shoulder, left upper back and left leg. Lower left back, elbow, hip and left leg pain. P3: cut near left eye resulting in scar. Back, shoulder and leg pain. Sleeping difficulties, depression, anxiety. P4: shoulder, back and neck pain. Cuts on legs. Arm in sling.. Difficulty returning to full work schedule. Phsyiotherapy required. Possible need for future surgery on shoulder. P5: cut on right hand. Neck, upper back, sternum and chest pain. Bruising on left shoulder and head. P6: bruising on mid and low back. Cut to head requiring stitches and later infected. Cut to left hand. Abrasions to neck and mid-back. Physiotherapy required.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Fritsch	Magee	2012 July 20	[2012] O.J. No. 3362	Ont. SCJ		Male	$12,000	*Special Damages: $4,387* *Pre-judgment Interest: Unspecified* *Costs: Determined in second hearing and judgemt at $8,676.33*	Defendant assaulted Plaintiff at a dinner party with a headbutt that loosened several teeth and caused a loss of consciousness. Root canal required. Mouth pain and headaches. Plaintiff was also embarssed by the situation.
Sica	Doe	2014 March 17	[2014] O. J. No. 1219	Ont. S.C.J.	M.A. Garson J.	Male 35	$35,000	*Subrogated OHIP:* $398 *Subrogated Criminal Injuries Compensation Board:* $4,000	Plaintiff was assaulted. Plaintiff suffered from cut under his eye, bruising to his face and eye, arm and hand. He had headaches, and pain in his neck, shoulder and lower back. He was later diagnosed with ongoing social anxiety, and post-concussion syndrome, which includes severe headaches, blurred vision, fatigue, and loss of appetite. He has a permanent scar under his left eye. Undefended trial.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Saisho	Loblaw Cos.	2014 March 26	[2014] O.J. No. 1475	Ont. S.C.J.	F.B. Fitzpatrick J.	Male 90 years	$160,000	*Subrogated claim from OHIP: $262,601.10* *Family Law Act Claim*: Wife $55,000	Plaintiff was struck by a shopping cart. Damage to his cervical column rendered him a spastic quadriplegic, made it difficult to breath significantly increasing risk for death by aspiration, and more susceptable to blood clots. Catheterized bladder increased risk of infection. Plaintiff required assistance for every aspect of daily living, suffered from cramps, had difficulty sleeping and was constantly frustrated and scared. He remained in the hospital for two years until his death. Pre-existing hypertension and narrowing of the cervical spine would have put him wheelchair bound for the future but not as a quadriplegic.
Whitfield	Whitfield	2014 May 01	[2014] O.J. No. 2209	Ont. S.C.J.	McIsaac J.	Female 50+ years	$250,000	*Punitive Damages*: $50,000 *Special Damages*: $54,200	Plaintiff suffered sexual abuse by her brother from age 4 through 19. Repressed memories until she was 50 years old. Plaintiff suffers from ongoing depersonalization disorder, panic disorder with agoraphobia, post-tramatic stress disorder, and a personality disorder. Plaintiff has difficulty socializing, impacting relationships with children and husband and compromises her enjoyment of life.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Nicholson		2014 June 3	[2014] O.J. No. 5610	Ont. S.C.J.	Toscano Roccamo J.	Male 29	$150,000	*Past Loss of Income*: $63,652 *Future Loss of Income*: $2,000,000 *Family Law Act Claim: Parents* $30,000	Defendant cut himself and Plaintiff with the same blade during professional wrestling match. Plaintiff contracted Hepatitus C, which caused WWE to revoke professional wrestling contract they had offered.
Doxtater	Farrish	2014 July 16	[2014] O.J. No. 3411	Ont. S.C.J.	J.M. Morrissette J.	Female 35	$100,000	*Loss of Competative Edge*: $50,000 *Family Law Act Claim*: *Husband* $15,000 *Family Law Act Claim: Two Children* $15,000 each	Plaintiff was in motor vehicle accident. Plaintiff suffered from bruising and injuries all over her face and body from broken glass; lesions on her legs, chest, abdomen, and neck; persistant pain in her right shoulder, right chest, neck, right knee, and lower back, memory and concentration difficulties, mild tramatic brain injury; and anxiety and major depression disorder. She has decreased desire for social or recreational activity. Plaintiff's impairments are permanent.
Radmanish	Sulaimankhail	2014 September 19	[2014] O.J. No. 4386	Ont. S.C.J.	Firestone J.	Male 30	$39,900	*Aggravated Damages:* $3,000 *Past Loss of Income:* $23,544	Plaintiff was assaulted three times at his workplace. Plaintiff suffered soft tissue injuries to his neck and shoulder, abrasions on his face, and laceration to his temple. He has been diagnosed with post-tramatic stress disorder. He has bad dreams, flashbacks, occasional headaches, and ongoing pain in his neck and shoulder.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Awan Defendant appealed.	Levant	2014 November 27 2017 December 22	[2015] O.J. No. 5697 [2017] I.L.R. para. G-2762	Ont. S.C.J. ONCA	W. Matheson J. K. Feldman J.A., Janet Simmons J.A., Paul Rouleau J.A.	Male	$50,000.00	*Aggravated Damages:* $30,000.00	Defendant posted defamatory statements about the Plaintiff. Plaintiff was a law student and had difficulty finding a job as a result of the defamatory statements made on Defendant's blog. Appeal dismissed.
Miller	R	2015 January 29	[2015] OJ No. 427 Additional reasons re: costs 2015 ONSC 2554	Ont. S.C.J.	Leach J.	Male 50 years	$100,000		Plaintiff, an inmate, slipped down icy stairs. Plaintiff suffers from ongoing pain in his neck, back, shoulders, and triceps. The fall caused a tear in a tendon in his shoulder and affected the nerves in his arm. He has ongoing weakness, lack of sensation, and occasional pain in that arm. He is unable to lift weights, and has lost considerable weight, which has lowered his self-esteem. Weakness in his arm causes him to repeatedly drop items, compounding lowered self-esteem. Plaintiff has symptoms of depression and his relationship with wife is impaired. Plaintiff had pre-existing drug addiction. Damages reduced by 30% due to contributory negligence.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Prentice	Thames Valley District School Board	2015 January 30	[2015] O.J. No. 437	Ont. S.C.J.	A.D. Grace J.	Female	$80,000	*Family Law Act Claim: Mother* $62,489 *Family Law Act Claim: Grandmother* $8,000	Plaintiff was sexually assaulted in school washroom. Plaintiff is a special needs student. Sexual assault has had a significant negative impact on her.
Khelifa Appeal dismissed. Trial judgement affirmed	Ontario Corp. 1358584	2015 February 13 2016 September 23	[2015] O.J. No. 888 2016 ONCA 698	Ont. S.C.J. Ont. C.A.	D.A. Wilson J. John Laskin J.A., K. Feldman J.A., and C.W. Hourigan J.A.	Female 34 years	$175,000	*Future care costs*: $100,000 *Future loss of income*: $125,000 *Subrogated OHIP claim*: $79,698	Plaintiff slipped on ice on fire escape. Plaintiff suffered laceration to her scalp, mild traumatic brain injury, burst fracture and transverse process fractures to her lumbar spine, fracture to her thoracic spine, factures and permanent articular cartilage damage in both ankles. Plaintiff continues to suffer from post-traumatic stress disorder, headaches, and ongoing back, leg and foot pain. Unclear if pre-existing depression was aggravated by her injuries.
McIntomney	Evangelista Esate	2015 March 03	[2015] O.J. No. 1005	Ont. S.C.J.	A.D. Kurke J.	Female 41	$50,000	None	Plaintiff was sexually assaulted, threatened and harassed. Plaintiff suffered vaginal pain, soft tissue pain in her neck, shoulder, and upper chest, scratches and bruising on her wrist knee and between her breasts. Prior henia injury was aggravated causing sever pain in her abdomen. She vomited blood for a period of time after the incident. Plaintiff anxiety, nausea, nightmares and difficulty sleeping. Defendant was a neighbour, which caused distress. Plaintiff's work ability was impacted.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Elmardy	Toronto (City) Police Services Board	2015 May 7	[2015] OJ No. 2314 Additional reasons re: costs 2015 ONSC 3710	S.C.J	F.L. Myers J.	Male, 38	$9,000.00	*Punitive damages:* $18,000.00	Plaintiff was subjected to false arrest, unreasonable search and seizure, and battery. Plaintiff suffered from exposure to subzero temperatures, swollen cheek, cut lip, pain in his knees, humiliation and embarrassment.
Plaintiff's appeal allowed in part.		2017 April 4	[2017] O.J. No. 1640	Ont. Divisional Court	H. Sachs J., Nordheimer J., Spies J.		$55,000.00	*Punitive damages:* $25,000.00	On appeal, the award for the breach of plaintiff's Charter rights was increased to $50,000.00, and the award for punitive damages was increased to $25,000.00.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Strudwick Appealed: damages increased	Applied Consumer & Clinical Evaluations Inc.	2015 August 7 2016 June 30	2015 ONSC 3408 [2015] OJ No. 4222 2016 ONCA 520	Ont. S.C.J Ont. C.A	G. Dow J. Doherty J.A., Gloria Epstein J.A., and B.W. Miller J.A.	Female 57	$20,000 Upon appeal: $35,294	*Punitive damages:* $15,000 *Future care costs:* $18,194 *In lieu of notice* $49,907 *Lost benefits:* $6,050 Upon appeal: *Punitive damages:* $55,000 *Aggravated damages*: $70,000	Plaintiff was wrongfully dismissed because of hearing loss. Plaintiff suffers from adjustment disorder with mixed anxiety and depressed moods caused by the manner of dismissal. Plaintiff appealed the motion judge's assessment of damages and costs. Damages were increased accordingly. *General damages*: The court determined that the motion judge failed to consider the increased costs of therapy resulting from the plaintiff's permanent deafness. *Punitive damages:* The motion judge erred in finding that the defendant's failure to profit from the misconduct mitigated their level of blameworthiness. *Aggravated damages*: The motion judge erred in finding a complete overlap between this head of damages and those awarded for wrongful dismissal.
Lucas	Prince	2015 November 30	2015 ONSC 7450 263 ACWS (3d) 653	Ont. S.C.J.	Fitzpatrick J.	Male	$175,000	*Punitive damages:* $50,000 *Loss of future earnings:* $536,567 *Future care costs:* $97,330	Plaintiff was sexual abuse by a member of clergy beginning at age 13. Plaintiff suffered from post-traumatic stress, depression and anxiety. He felt shame and guilt at himself, anger and mistrust in others. His academic success was impacted and he likely would have graduated from college but for the abuse. Plaintiff's psychological difficulties were found to adversely impact his job performance.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Foniciello	Bendall	2016 February 17	2016 ONSC 1119 263 A.C.W.S. (3d) 937	Ont. S.C.J.	J.R. Henderson J.	Male 44 years	$275,000	*Future loss of income:* $524,229 *Past medical expenses:* $51,282 *Future medical expenses:* $1,899,969 *Attendant care expenses:* $765,411 *5% management fee*: *$*175,794 *Future care costs (sister):* $10,543 *Value of services provided (sister):* $122.254 *Family Law Act claim (sister):* $50,000 *Family Law Act claim (mother):* $25,000 *Family Law Act claim (2 children):* $40,000 each	Welder. MVA (Motorcycle). Plaintiff was semi-conscious for 5 months following the accident. He suffered from a diffuse axonal injury and injury to the frontal and temporal lobes. Plaintiff had no ongoing physical impairments, but did suffer from permanent cognitive, intellectual and behavioural impairments. Plaintiff had ongoing problem with perseveration and anosognosia. He was found to be incapable of gainful employment and to require a caregiver. Future care costs were also awarded to the sister of the injured. She was found to have suffered from traumatic neurosis and psychological counseling was deemed necessary. She was also compensated for the extensive care services that she provided to her brother.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Wieslawa Soczek	Jan Soczek and Allstate Insurance Company of Canada	2016 June 3	[2016] O.J. No. 3110	S.C.J	M.D. Faieta J.	Female, 52	$225,000.00	*Aggravated damages*: $100,000.00 *Punitive damages:* $75,000.00 *Past lncome loss*: $232, 479.00 *Future Income Loss:* $426,211.50.00 *Past care costs:* $61,332.83.00 *Future care costs*: $5,427.50.00 for physiotherapy and $2,250.00 for massage	Defendant set plaintiff on fire and stabbed her. Plaintiff suffered third degree burns to 37% of her body, including to her face, chest, hands, fingers, lips, head, arms, ears, shoulders, upper back, neck, and nose. Plaintiff also suffered grade 3 inhalational injury to her lungs, requiring a left chest tube tracheotomy. Her scalp was burned, causing scarring and loss of hair. Both of her eyes were burned, causing damage to her vision. She lost part of her right ear, and also suffered significant hearing loss in that ear. Plaintiff has had more than 30 surgeries for debridement, skin graft surgeries, and reconstructive cosmetic surgeries including a right lower ear lobe reconstruction, right and left neck reconstruction, and left hand web space reconstruction. More surgery will likely be required. Plaintiff suffers from depression, anxiety, nightmares, stress, constant fear, a deep sense of loss, and social anxiety. She has persistent pain and limitation of movement, permanent scarring and disfigurement, permanent physical restrictions, and is permanently unable to work in any capacity.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Doyle Defendant appealed moral damage award.	Zochem	2017 February 15	[2017] O.J. No. 748	ONCA	K.M. Weiler, S.E. Pepall and G.T. Trotter JJ.A.	Female, 44	$85,000.00 ($60,000.00 for moral damages and $25,000.00 for breach of rights under the *Human Rights Code*)		Plaintiff suffered damages as a result of wrongful dismissal, sexual harassment, and denial of short term disability benefits. Plaintiff was put on medication for anxiety because she was constantly shaking. She had migraines, chest pains and sleep disturbances, including nightmares about the sexual harassment and the dismissive manner of her termination. Plaintiff was diagnosed with major depressive disorder, with anxiety. Prior to the termination, the plaintiff suffered from long-standing clinical depression. The defendant knew this and breached plaintiff's right to privacy by disclosing the plaintiff's clinical depression to certain management employees. The defendant also denied the plaintiff short-term disability benefits for six months even though she qualified. Appeal dismissed. Moral damage award upheld.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Taylor	Kok	2016 December 21	2016 ONSC 5839	S.C.J	M.A. Garson J.	Male	$25,000.00	*Punitive damages*: $7,500.00	Plaintiff suffered damages as a result of police acting in bad faith and breaching his Charter rights in arresting the plaintiff. Plaintiff was disabled. Plaintiff fell on ground when trying to get out of the police vehicle. This incident left the plaintiff disgruntled, demotivated, irritable and depressed. He was diagnosed as suffering from post-traumatic stress disorder, mood-disorder, and depression, and complained of nightmares and flashbacks of the incident, irritability, low energy, and difficulty concentrating. The plaintiff required ongoing psychological treatment.
Kingston Road Animal Hospital Professional Corp. Plaintiff's appeal dismissed.	Paulin	2016 October 6	[2016] O.J. No. 5147	S.C.J Divisional Court-Toronto	Stewart J.	Female	$3,500.00		In May 2014, the plaintiff commenced an action alleging that the defendant created a toxic work environment and had caused it to incur investigative costs. In June 2014, the defendant brought her own claim against the plaintiff for infliction of mental suffering due to the inappropriate sexual comments and actions of a doctor. The defendant became depressed, devastated, and upset over these actions. She complained to another veterinarian at the hospital but no action was taken. The trial judge allowed the defendant's claim and awarded her $3500.00 for damages for intentional infliction of mental suffering caused to her by the doctor. The plaintiff's appeal was dismissed.

Traumatic Neurosis									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Carr	Ottawa Police Services Board	2017 July 14	2017 ONSC 4331	S.C.J	Sylvia Corthorn J.	Female	$97,500.00 (including $7,500.00 for breach of Charter rights)	*Loss of earning capacity:* $120,000.00 *Future counselling*: $20,000.00 *Out of pocket expenses* $17,226.84	Plaintiff suffered damages as a result of false arrest, wrongful imprisonment, excessive use of force, and violation of her Charter rights. Officers did not have authority to arrest plaintiff without a warrant. Excessive force was used against the plaintiff. Plaintiff's clothing was removed and she was left naked in a holding cell for over two hours. She suffered fractures to two bones in her wrist, cuts and scrapes to the lower portion of her legs, bruising and abrasions to her head, right shoulder, lower legs, and top of her right foot. She was diagnosed with Post-Traumatic Stress Disorder. The plaintiff's section 7,8,9 Charter rights were violated.

PAIN AND SUFFERING – MINOR CASES

Pain and Suffering – Minor Cases									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Bridgelall	Mangar	2001 April 17	[2001] O.J. No. 1523	S.C.J. Toronto, Ontario	Hoilett J.	Male	$5,000.00		Victim of unprovoked assault. Injuries to hands, fingers, stomach. Missed 1 week of work.
Walker	Huffman	2001 September 27	[2001] O.J. No. 3864; [2001] O.T.C. 728	S.C.J. Ottawa, Ontario.	Ratushny J.	Male	$3,000.00		Dog bite to upper right thigh and groin area. Pain for 4 months. Minor physical problems.
Elkind	Roy Foss Motors Ltd.	2003	[2003] OJ No. 5760	S.C.J.	Read	Male	$2,000.00		minor head injury when struck with barrier at dealership
Hernadi	Canadian Imperial Bank of Commerce Visa	2003 June 10	[2003] O.J. No. 4563	S.C.J. Toronto, Ontario	Godfrey J.	Male	$700.00 (provisionally)		Plaintiff argued stress was caused by improperly phoning his wife at home regarding cash advances on his credit card. Action dismissed.
Nyilas	Lamb	2003 December 18	[2003] O.J. No. 5232	S.C.J.	Sanderson J.	Male	$5,000.00 (provisionally)	*Loss of income:* $10,000.00	Medical malpractice. Punctured lung, serious pain, difficulty breathing, pain continued for 12 months, some pain thereafter, off work for 1-1/2 months.
Cole	Toronto (City)	2004	[2004] O.J. No. 5399	S.C.J.	Thomson	Female	$3,000.00		20 millimetres deep cut - A scraped elbow that has left a noticeable cut of two square centimetres; hurt and scraped shoulder - no long term effect; broke a small bone in her foot - foot and ankle have been fine with minor irritations.
Gavadzyn	Toronto (City)	2004	[2004] O.J. No. 3190	S.C.J.	Priddle	Female	$2,000.00	$3,400.00 toward the cost of therapy, past and anticipated;	Collapse of a canopy on plaintiff from weight of frozen rain. Massage and therapy required for ongoing head pain.

Pain and Suffering – Minor Cases									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Peloso	778561 Ontario Inc. (c.o.b. J.L. Maintenance Services)	2005 June 15	[2005] O.J. No. 2489	S.C.J.	C.D. Aitken J	Female	$80,000 (awarded but reduced to $24,200)	*Past loss of income* $2,031 *Future loss of income* $161,796	MVA - Plaintiff had chronic pain. Plaintiff's impairment arose directly or indirectly from motor vehicle accident, although she was more susceptible to impairment due to pre- existing conditions. Discount for Contributory Negligence @ 10% ($18,803) -less discount of 30% for crumbling skull ($24,000) -less discount of 30% for inadequate mitigation ($16,800) -less $15,000 under s. 267.5(7)3 ($15,000) Total Damages - $169,224
Marianne Barbiero	Elmbrook Cosmetic Centre Inc. and Claudia Zorzi	2005 August 19	[2005] O.J. No. 3683	S.C.J.	R.G. Thomas J	Female 42 years	$7500.00		Laser hair removal technician failed to cease treatment in response to the plaintiff's complaints of severe pain. Damages assessed but not awarded
Duff	Pfizer Canada Inc.	2005 September 30	[2005] O.J. No. 5962	S.C.J. Toronto	Levine D.J.	Female	$4,000		Damages not awarded, but assessed. Commented upon in *obiter*. Plaintiff applying polysporin ointment, suffering rash of sustained duration.
Crichton	Noon	2005 October 11	[2005] O.J. No. 4230	S.C.J. Stratford, Ontario	Searle D.J.	Male	$500.00	*Special Damages*: $366.99	Minor injuries to his arm and knee. Mental distress Emotional harm done to him.

Pain and Suffering – Minor Cases									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Sanger (Litigation Guardian of)	Stoffman	2006 January 4	[2006] O.J. No. 49	S.C.J. Ottawa	V.J. Mackinnon J.	Female Infant	$137,500	*Parents non-pecuniary:* $23,500 *Mother's lost income:* $65,000. *Brother's non-pecuniary:* $7,250.	Damages not awarded. Commented upon in *obiter*. Infant was not diagnosed for several years, enduring pain and suffering for stumbling, headaches, having to leave daycare and interference with her daily living.
Diallo Action dismissed-damages calculated but not awarded	Benson	2006 January 13	[2006] O.J. No. 91	S.C.J.	G.R. Morin J.	Male 20 years	$3,000 Action dismissed - damages calculated but not awarded	*Lost wages:* $64.00	Plaintiff alleged assault and battery by police officers. Action was dismissed however damages were assessed based on abrasions to the plaintiff's head and face, swollen lips, and ongoing jaw pain. The jaw pain was ongoing approximately every 6 months while the remainder of the injuries had resolved within 1 week.
Donevan Action dismissed. Damages assessed nevertheless.	Challans	2006 January 16	[2006] O.J. No. 262	Ontario Superior Court of Justice Small Claims Court - Windsor	A.W. Bryant J.	Male	General damages: $500.00		Plaintiff had a bruise to his right cheek 3 inches in diameter, a 2 inch cut on his right cheek from his glasses and bruises on his back and arms. He described himself as pain free after four days and the bruises and cut were only apparent for two weeks.
Ruscinski	Ruscinski	2006 January 31	[2006] O.J. No. 1274	S.C.J. Family Court - Hamilton	J.J. Cavarzan J.	Female 41 years	$5,000.00		Plaintiff was assaulted and suffered an 8 mm laceration on her gum, bruising on her arms and legs, jaw pain, neck pain and shoulder pain. Plaintiff also suffered mental distress and underwent physiotherapy for approximately 6 months.

Pain and Suffering – Minor Cases									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Westlake	Granby Steel Tanks	2006 June 12	[2006] O.J. No. 2629	Ont. C.A.	D.H. Doherty, R.A. Blair and H.S. LaForme JJ.A.	Multiple.	$250,000 each	17% *Reduction in value of each home.*	Endorsement of jury award. Granby was responsible for oil spill onto Plaintiff properties. General damages assessed at high amount, but which did not shock the conscience of the court. Possible that oil spill significantly impacted the enjoyment of the properties by respective owners.
Channan Action dismissed - damages assessed	Hamilton (City)	2007 February 12	[2008] O.J. No. 874	Ontario Court of Justice	Sutherland D.J.	Male	$3,500.00 Action dismissed - damages assessed	*Medical bills:* $840.00	Plaintiff fell and injured himself while walking over a bridge at a golf club. Underwent acupuncture treatments for 5 months. Complete recovery. Action dismissed.
Stangret	Toronto (City)	2007 July 30	[2007] O.J. No. 5193	Ontario Superior Court of Justice Small Claims Court - Toronto	M.O. Mungovan Deputy J.	Male	General damages: $1000.00 ($500.00 in respect of each incident)		Two separate slip and fall incidents on city sidewalks. The plaintiff walked with two canes due to a prior left hip injury. On the first occasion, he slipped and fell suffering a soft tissue injury to his right hip that subsided after three days. On the second occasion, the plaintiff tripped and fell over a metal stump that was the remnants of a removed street sign. He exacerbated the injury to his left hip, but the pain subsided after four to six days.
Linov	Williams	2007 March 7	[2007] O.J. No. 907	S.C.J.	N.L. Backhouse J.	Female	1,000.00		Assault - Wife was was pushed, shoved, kicked and had objects thrown at her by husband. Husband also attempted to choke wife.

Pain and Suffering – Minor Cases									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Tonna	Misty	2008 November 7	[2008] O.J. No. 4435	S.C.J. Small Claims Court - Brampton, Ontario	B.W. King Deputy J.	Male	Pain and suffering: $2000.00	Physiotherapy: $2080.00 Lost wages & future medical expenses: $1000.00	Slip and fall on ice on city sidewalk in front of home. Plaintiff suffered soft tissue injuries resulting in missed work and physiotherapy. Claim reduced as plaintiff did not complete treatment.
Watts	Donovan	2009 May 28	[2009] O.J. No. 2208	S.C.J.	J.R. MacKinnon J.	Female 29 Years	$95,000	*Loss of Future Income:* $60,000 *Housekeeping Assistance:* $10,000 *Family Law Act:* Husband - $10,000 (Loss of care guidance and companionship)	MVA causing whiplash and mild brain trauma. Poor sleep, chronic pain, P.T.S.D., and emotional vulnerability. Thin skull.

Pain and Suffering – Minor Cases									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Parsons	Niagara (Regional Municipality) Police Services Board	2009 June 29	[2009] O.J. No. 2718	S.C.J.	C.R. Harris J.	Male 25 Years	*Assault:* $30,000 *False Arrest and Imprisonment:* $7,000 *Malicious Prosecution:* $12,000	*Loss of Past Income:* $5,000 *Special Damages:* $8,025 *Punitive Damages*: $20,000 *Family Law Act:* Partner - $5,000 *Nervous Shock & Emotional Distress:* Partner - $10,000 Punitive Damages Partner - $5,000	False arrest. Multiple taser shots to the genitals while handcuffed. Nervous shock and emotional distressed caused by forced detainment. Plaintiff's damages reduced to $50,000 under jurisdictional limit (Rule 76).
Bourque	St. Joseph Health Centre	2009 October 2	[2009] O.J. No. 4055	S.C.J.	G.D. Lemon J.	Male 51 years	$35,000		No liability – damages calculated but not awarded. Alleged malpractice. Unspecified post-operative infection, severe ulnar neuropathy, numbness in arms & thumbs, pain in arm & hand, recurring back & leg pain and depression.

Pain and Suffering – Minor Cases									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Nicolas	Bowers	2010 April 7	[2010] O.J. No. 1354	Ont. S.C.J.	Gans J.	Female	$55,000	*Loss of Income:* $4,250 *Family Law Act Claim Husband -* $20,000	Following MVA, the plaintiff suffered from chronic pain which was triggered when she sat for long periods of time without moving. She was no longer able to share bed with usband on day-to-day basis, long car trips and employment were difficult, and so was entertaining. All damages reduced by 15% for contributory negligence.
Chatterton	Cowan	2010 August 10	[2010] O.J. No. 3395	S.C.J.	P. Lauwers J.	Female 48 years at trial	$8,500	*Costs for Legal Fess:* $2,000 *Disbursements:* $1,215.92 *Loss of Pay:* $143.20 *OHIP Subrogated Claim:* $319.95	PL suffered injuries when bitten and pinned down by a large dog owned by the defendants. The defendants' dog grabbed the PL by her hip with its mouth and pinned her down for approximately five minutes on the ground. PL sustained two tooth puncture wounds to her hip, received a rabies vaccination and administered medication for pain and shock. PL also suffered from emotional trauma which manifested itself into having a fear of dogs, nightmares and trouble sleeping.

Pain and Suffering – Minor Cases									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
Placzek Appealed by Defendant.	Green	2010 October 15 2012 January 26	[2010] O.J. No. 4382 [2012] O.J. No. 651	Ont S.C.J. Ont. C.A.	H.A. Rady J. Doherty, LaForme and Hoy JJ.A.	Female 47	$85,000		Low-speed MVA. Plaintiff suffers from chonic pain in head and neck, numbness in left arm, hand, left trunk, leg and foot. Injuries inflamed due to pre-existing condition of fibromyalgia. Judgment requests additional submissions from counsel to quantify future cost of care and loss of income. Appeal on basis that judge decision to discharge jury, and the quantification of damages, required re-assessment. Unsuccessful. Damages not amended. Costs awarded to Plaintiff.
Georgiou	Vassos	2010 November 30	[2010] O.J. No. 4865	Ont. S.C.J.	L.B. Roberts J.	Male 25 (at time of injury)	$125,000	*Lost Wages:* $11,048.40 *OHIP Subrogated claim:* $502.15 *Damages payable reduced to account for money received from Criminal Injuries Compensation Fund:* -$16,150.00	Defendant pushed plaintiff through a glass window. Plaintiff suffered severe lacerations to his face (7-8 cm) which caused him pain for a year and caused serious scarring. Scar tissue makes it difficult to eat and shave. Also suffered back and neck pain which forced him to give up sporting activities he loved. Personality shifted since accident – became withdrawn, shy, and cold. Caused him to abandon plans to become police officer. Embarrased about physical appearance.

Pain and Suffering – Minor Cases									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
MacKenzie	Hamilton Police Service	2011 December 13	[2011] O.J. No. 5723	Ont. SCJ	A.J. Goodman J	Male	none		Intoxicated and semi-conscious Plaintiff involved in altercation with police officers. Alleged assault, leading to physical injuries and acute stress. Fractured rib, extremity and torso bruising, four cracked and damaged teeth. Plaintiff failed to establish cause of action due to lack of credibility and unsubstantiated injuries. Had Plaintiff been credible, damages would have been nominal, at $2,500. Also, the cause of action is statute barred – past limitation period. For those reasons, dismissed.
Thornton Action dismissed. Damages assessed	Thomas	2015 February 04	[2015] O.J. No. 544	Ont. S.C.J.	J. Sebastian Winny D. J.	Male	$300	None	Plaintiff was arrested. Plaintiff suffered blow to the head during arrest.
Elmardy Plaintiff's appeal allowed in part.	Toronto (City) Police Services Board	2015 May 7 2017 April 4	[2015] OJ No. 2314 Additional reasons re: costs 2015 ONSC 3710 [2017] O.J. No. 1640	S.C.J Ont. Divisional Court	F.L. Myers J. H. Sachs J., Nordheimer J., Spies J.	Male, 38	$9,000.00 $55,000.00	*Punitive damages:* $18,000.00 *Punitive damages:* $25,000.00	Plaintiff was subjected to false arrest, unreasonable search and seizure, and battery. Plaintiff suffered from exposure to subzero temperatures, swollen cheek, cut lip, pain in his knees, humiliation and embarrassment. On appeal, the award for the breach of plaintiff's Charter rights was increased to $50,000.00, and the award for punitive damages was increased to $25,000.00.

Pain and Suffering – Minor Cases									
Plaintiff	**Defendant**	**Year**	**Citation**	**Court**	**Judge**	**Sex** **Age**	**Non-Pecuniary General Damages**	**Other Damages**	**Comments**
John	Kiefer	2016 April 12	2016 ONSC 2461 265 ACWS (3d) 380	Ont. S.C.J.	Trimble J.	Male	$100	*Special damages:* $780	Defendant threw a blood spotted paper towel at the Plaintiff and punched him. Nominal damages awarded. Claim undefended.
Lawrence	Sugar Daddys	2017 June 15	[2017] O.J. No. 3111	S.C.J	M.J. Donohue J.	Male	$10,000.00		Plaintiff suffered injuries as a result of an assault by a "bouncer" at a bar. Bouncer grabbed plaintiff's shirt and punched him in the face. Plaintiff did not provoke. Plaintiff suffered swelling, a laceration to his face, and a non-displaced fracture of the nasal bone. Pain and suffering lasted for two months. The laceration left a permanent scar.