

disclosure

Your quarterly source of personal injury news



SMITIUCH INJURY LAW

Brantford Jury Awards Victim of Snow Plow Accident \$2.44 Million

The lawyers, paralegals and staff at Smitiuch Injury Law have obtained another successful outcome during a jury trial in Brantford, Ontario which began in March 2017.

Our client ("GM"), a 28 year old Brantford resident, was awarded \$2.44 million for injuries he sustained in a motor vehicle accident on March 7, 2008. GM's injuries were soft tissue leading to chronic pain and psychological issues, including symptoms of post-traumatic stress disorder.

The case involved a unique incident in which a snow plow performing winter maintenance pushed a blanket of snow and ice from an overpass onto GM's vehicle below as it drove along Highway 403. The snow and ice broke through the sunroof of his vehicle and crashed onto his head. GM was unable to continue working as a result of the accident.

Peter Cho, Associate Lawyer at Smitiuch Injury Law and trial counsel for GM, had the following to say as to the length of time this case took to reach completion, "This case took so long because we do not leave any stone unturned and we first included everyone we thought was responsible for GM's injuries, but we later learned that different parties were responsible for different lanes. We finally narrowed it down to two defendants who eventually admitted they were responsible."

The two companies responsible were TWD Roads Management Inc. and Integrated Maintenance and Operations Inc. Both had a snow plow performing maintenance on the overpass on the day of GM's accident. However, even though these defendants finally admitted

fault for the accident, the trial still took five weeks in order to assess damages. The trial proceeded in front of a jury on March 20, 2017, and presiding over the trial was the Honourable Mr. Justice Edwards.

In the end, the jury awarded GM \$600,000.00 for pain & suffering and loss of enjoyment of life, \$950,000.00 for loss of income and \$800,000.00 for cost of care, plus other damages and expenses, totalling \$2,440,000.00. This was the second highest jury award for chronic pain in Canadian history.



The "road" to this successful jury verdict was complex and it took great resolve on the part of the Plaintiff. Our firm committed considerable resources into this lawsuit and trial, including the use of expert medical witnesses, forensic accountants and a future cost of care expert. When an injured Plaintiff needs help obtaining justice it is essential that the law firm they retain actually will go to trial on their

behalf if necessary. This is the only way to obtain fair compensation. At Smitiuch Injury Law we are proud of our efforts advocating for our clients, including this jury verdict in Brantford.

Luke Hamer, Associate Lawyer at Smitiuch Injury Law, had the following to say about the trial, "Nine years was a long time for GM to wait for justice, but the result speaks for itself," said Hamer. "I am pleased for our client and his trust in us."

Peter Cho and Luke Hamer were trial counsel for the Plaintiff.

7 Politicians Who are Lawyers

1

Sir John A. Macdonald
First Prime Minister
of Canada

2

Xi Jinping
President of the
People's Republic of China

3

Nelson Mandela
Former President
of South Africa

Does Your Accident Qualify for Accident Benefits?

Ontario enjoys the benefit of a two-tiered system when someone is injured in a motor vehicle accident. If another party is at-fault, there is a tort action (lawsuit). There is also a system in place for those who are injured in a motor vehicle accident, regardless of who is at-fault. This is accident benefits. No matter who is at-fault for an accident, your own insurance company (or another, if you do not have insurance) is responsible for paying certain benefits that you are entitled to under the accident benefits policy.

We often think of a "motor vehicle accident" as a collision between two vehicles, a single-vehicle crash, or even a vehicle striking a pedestrian or bicyclist. However, the criteria for being considered a "motor vehicle accident" can encompass many more scenarios.

Below is a listing of scenarios that have been considered an "accident" and the injured party has been allowed to access accident benefits.

- Due to a street festival, a woman was forced to ride her bicycle on a sidewalk. A van was parked halfway over the sidewalk and the woman fell while riding around the vehicle, breaking her hip. The van was considered the direct cause of her injuries.
- A young man was riding his uninsured dirt bike on a

private course when he lost control and fell, resulting in an acquired brain injury.

- A man was driving a golf cart on a roadway and was involved in an accident and was injured. It was determined that the golf cart was a "motor vehicle" while it was on a roadway.
- A woman was filling her car with gas at a gas station when she slipped and fell on some ice. Since pumping gas was part of the normal operation of a motor vehicle, it was deemed to be an "accident".
- A man was riding his bicycle when he was sideswiped by an unidentified vehicle that did not stop after the collision.
- A gentleman was a passenger in a "party bus" with his friends and he decided to try, unsuccessfully, some acrobatics on a "vertical pole" on the bus, causing serious injuries. Since the pole was permanently affixed to the bus, it was considered to be part of the vehicle and the direct cause of his injuries.

If you are injured and a motor vehicle of any sort was the direct cause of your injuries, it is always best to check with a reputable personal injury law firm who can advise if you are entitled to claim accident benefits.

Profile Of Gurjiwan Brar *Student-at-Law*



Gurjiwan Brar is a Student-at-law with Smitiuch Injury Law for the 2017-2018 articling term.

Gurjiwan earned his law degree (J.D.) from Queen's University in Kingston, Ontario. Before studying law, he completed an Honours Bachelor of Arts degree in Human Rights and Equity Studies at York University.

During law school, Gurjiwan participated in many extracurricular activities such as the Julius Alexander Isaac Diversity Moot, the

Queen's Legal Aid Clinic, the Bystander Initiative, the Securities Exemptions Project, and helped organize free drop-in basketball for youth in Brampton.

Gurjiwan has been equally as busy with his involvement in the community and serves on the board of two community organizations, World Sikh Organization (worldsikh.org) and the Sikh Youth Federation (facebook.com/sikhyouthfederation).

In this capacity, he helps organize Turban Up (North America's biggest turban day) and a yearly career

development retreat for high school and undergraduate students. In 2013, he co-founded Canada's largest Sikh youth organization, comprised of 20 university and high school chapters.

He enjoys reading autobiographies, spending time at the cottage, and cheering for the Toronto Maple Leafs.

Recently, Gurjiwan successfully passed both the Barrister and Solicitor Licensing Examinations.

Fidel Castro
Former President
of Cuba

Barack Obama
Former President
of the United States

Vladimir Putin
President
of Russia

Margaret Thatcher
Former Prime Minister
of the United Kingdom

Volunteering – Lawyers Feed the Hungry

This year marks the second year in a row, that the staff and friends of Smitiuch Injury Law volunteered at The Law Society Foundation Toronto Lawyers Feed the Hungry Program.

The Law Society Foundation is a registered Canadian charity, founded in 1962. The five cities involved in the Lawyers Feed the Hungry Program are Toronto, Ottawa, London, Windsor and Barrie. The Foundation started off managing funds raised to provide financial assistance to any students in need, as they pursued their law degrees. Now, The Law Society Foundation serves the public as well, with the objective to encourage and promote legal education in Ontario.

The Law Society is proud to help volunteer groups within Ontario's legal community to deliver important hunger relief services. The Toronto Lawyers Feed the Hungry Program has been providing hot and healthy meals to the residents of Toronto since 1998. Meals are served in the Law Society of Upper Canada's cafeteria at 130 Queen Street West, Toronto. Toronto residents in need can expect to receive a hot and healthy meal Tuesday and Wednesday nights, as well as, Thursday and Sunday mornings.

This year, fifteen volunteers from Smitiuch Injury Law, helped serve meals to over 400 Toronto residents in need. With the help of committed volunteers and generous donations to The Law Society Foundation the year-round program is able to provide more than 60,000 meals a year.

The Law Society Foundation Toronto Lawyers Feed the Hungry Program is a great way to help those in need. It is quite rewarding to see the grateful smiles on the residents faces as they are given a hot and healthy meal. We encourage the members of

Toronto's legal community and others to take part in volunteering at Lawyers Feed the Hungry Program or any other similar program.

More information can be found by going to the Law Society Foundation Toronto Lawyers Feed the Hungry Program website (<http://www.lawyersfeedthehungry.ca>).

Providing Legal Services in Another Province

Thanks to the National Mobility Agreement negotiated amongst provincial law societies, it has become easier for Canadians to choose the lawyer of their choice – regardless of the province that the lawyer resides in.

According to the Law Society of Upper Canada, lawyers from Ontario who seek to exercise mobility elsewhere in the country must consult the law society in the jurisdiction in which they wish to exercise temporary or permanent mobility or in other words, practice law. The requirements they are subject to depend upon whether the jurisdiction in question is a member of the National Mobility Agreement and has implemented rules under that Agreement. Of note, however, is that a lawyer may practice in a member province for 100 days without having to seek the permission of the province's law society.

At Smitiuch Injury Law we have had the exciting opportunity to fight for our clients' rights from coast to coast. Last month, Matthew Nieuwland, Associate at Smitiuch Injury Law, travelled to Halifax, Nova Scotia, to represent a client injured in a wired glass incident. He successfully settled the claim. Luke Hamer, Associate at Smitiuch Injury Law, is currently representing a British Columbia family in a hospital negligence matter. The family's son committed suicide while the hospital was treating him.

To date, the following provinces have implemented the National Mobility Agreement:

British Columbia
Alberta
Saskatchewan
Manitoba
Ontario

Nova Scotia
New Brunswick
Prince Edward Island
Newfoundland and Labrador

For more information, visit <https://www.lsuc.on.ca/For-Lawyers/>



Smitiuch Injury Law Event Calendar

November 1 - 3, 2017 – Ontario Brain Injury Association – 2017 ABI Provincial Conference

The conference theme this year is “*Making A Difference*”. Smitiuch Injury Law is pleased to be an exhibitor at this conference.

Sheraton on the Falls Hotel, Niagara Falls, ON

November 16, 2017 – Ontario Trial Lawyers Association Fall Conference – Battle Tactics for Trial Lawyers

Peter Cho, Associate Smitiuch Injury Law, will be presenting – “Articles of War: Consumer Protection Act & Waivers”
Metro Toronto Convention Centre, North Building, Toronto, ON

November 23, 2017 – Hamilton Brain Injury Association – Fundraising Dinner

Smitiuch Injury Law is pleased to be a bronze sponsor of this event.

Liuna Station, Hamilton, ON

February 3, 2018 – Kids Can Fly –11th Annual Storybook Breakfast

Children and their parents enjoy breakfast with well-known Disney and cartoon characters. Proceeds from this event are used to support early child development and parenting. Smitiuch Injury Law is pleased to be a participant and donor of this event.

New Covenant Christian Fellowship Church, Brantford, ON



For further information or to discuss how we can help you
please contact Michael Smitiuch at:
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