

CANADA / JUDGMENT

Breese v. Amaro

2020 BCSC 1234

COURT

Supreme Court of British Columbia

DECIDED

20 August 2020

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2020 BCSC 1234 Breese v. Amaro IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Breese v. Amaro, 2020 BCSC 1234 Date: 20200820 Docket: M188101 Registry: Vancouver Between: Crystal Violet Kitto Breese Plaintiff And: Maron Keith Amaro Defendant Before: The Honourable Madam Justice Adair Reasons for Judgment - Application by Written Submissions Counsel for the Plaintiff: R.M. Morgan Counsel for the Defendant: I. Jung Date of Plaintiff's (Applicant's) written submissions: July 13, 2020 Place and Date of Judgment: Vancouver, B.C. August 20, 2020

- [1] These are Reasons for Judgment in relation to an application brought by way of written submissions, pursuant to Covid-19 Notice 14 dated April 27, 2020 (revised July 20, 2020).
- [2] In this action, the plaintiff alleges that she sustained injuries in a motor vehicle accident in April 2018, when a vehicle alleged to be owned and negligently operated by the defendant Maron Amaro collided with a motor vehicle alleged to be negligently operated by Justin Edward Groshok. The plaintiff says that, when the collision occurred, she was a passenger in Mr. Groshok's vehicle. The plaintiff says that, as a result of the injuries, she has suffered loss and damage, including loss of earning capacity and special damages. Liability has been denied.
- [3] By notice of application filed July 20, 2020, the plaintiff seeks orders that: Mr. Groshok be added as a defendant in the action; the notice of civil claim be amended to the form attached as Schedule "A" to the notice of application; and parties bear their own costs of the application.
- [4] In the application response filed by Mr. Amaro, he takes no position on the application.
- [5] Rule 6-2(7)(b) of the Supreme Court Civil Rules provides that the court, on application, may order that a person be added as a party if that person's participation is necessary to ensure that all matters in the proceeding may be effectively adjudicated on. The plaintiff says that, as Mr. Groshok was the driver of the vehicle in which the plaintiff was a passenger, his involvement in the proceedings is necessary.
- [6] As set out in the plaintiff's written submissions, no limitation period has expired, and there will be no prejudice to Mr. Groshok if he is now added as a defendant in the action.

- [7] I am satisfied on the basis of the material filed that Mr. Groshok should be added as a defendant and that the notice of civil claim should be amended to the form set out in Schedule "A" to the notice of application. I so order.
- [8] The parties will bear their own costs. "Adair J."
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Prepared on 29 October 2026 · Esheria