

CANADA / JUDGMENT

Cochrane v. Heir

2011 BCSC 97

COURT

Supreme Court of British Columbia

DECIDED

27 January 2011

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2011 BCSC 97 Cochrane v. Heir IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Cochrane v. Heir, 2011 BCSC 97 Date: 20110127 Docket: M080614 Registry: Vancouver Between: Nancy Cochrane Plaintiff And Robin Heir and Parminder Singh Heir Defendants Before: The Honourable Mr. Justice Harris Reasons for Judgment Counsel for the Plaintiff: David J. Sinnott Counsel for the Defendants: Robert C. Brun, Q.C. Place and Date of Hearing: Vancouver, B.C. January 25, 2011 Place and Date of Judgment: Vancouver, B.C. January 27, 2011

- [1] This is an application to adjourn the trial currently set to be heard with a jury commencing April 11, 2011 for 20 days.
- [2] The principal basis for the adjournment is that the plaintiff will be undergoing surgery on February 10, 2011. That surgery is alleged to be necessary as a result of injuries suffered in a rear-end motor vehicle accident on May 10, 2006.
- [3] There is some medical evidence before the court to the effect that the plaintiff's condition, prognosis and ability to return to work cannot fairly be assessed until after the surgery and after sufficient time has been allowed for rehabilitation.
- [4] Counsel for the defendant opposes the adjournment because this is, he submits, a unique case. In a nutshell, he says that the delays and behaviour of the plaintiff in presenting the case are characteristic of her conduct in other matters she has been involved in. In effect, he submits that I should discount the evidence in support of the adjournment. In particular, I should be sceptical of the suggestion of any causal link between the accident and the condition that has led to the proposed surgery, as well as the need or the surgery itself. All an adjournment will do is expand the trial and encourage further delay and obstruction in bringing this matter to trial.
- [5] Since I have decided that the interests of justice require an adjournment and since I am the trial judge, albeit with a jury, I have concluded that it would be unwise to comment directly on the evidence referred to by the parties in support of their positions. The issue of the causal connection between the accident, the plaintiff's current condition and her alleged inability to work, are the primary matters that will be before the court for adjudication. Not to grant an adjournment would work relatively greater prejudice to the plaintiff than to the

defendants by constraining her opportunity fully to present her case whatever its merits at trial.

- [6] Having concluded that an adjournment is necessary, I am of the view that it should be of the shortest reasonably possible duration. I request that the parties arrange a Case Planning Conference in April at which time deadlines will be imposed to bring this matter to trial and set a new trial date, if the parties have not agreed to one. "Harris J."
-

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/SC/11/00/2011BCSC0097.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/cochrane-v-heir-2011>

Prepared on 29 October 2026 · Esheria