

CANADA / JUDGMENT

Davidge v. Fairholm

2014 BCSC 2500

COURT

Supreme Court of British Columbia

DECIDED

1 December 2014

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2014 BCSC 2500 Davidge v. Fairholm IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Davidge v. Fairholm, 2014 BCSC 2500 Date: 20141201 Docket: M112552 Registry: Vancouver Between: Glen Neal Davidge Plaintiff And Brian Douglas Fairholm Defendant And Insurance Corporation of British Columbia Third Party Before: The Honourable Madam Justice S. Griffin Oral Reasons for Judgment In Chambers Counsel for the Plaintiff: D. Todd Brown Counsel for the Third Party: Christopher V. Morcom Place and Date of Hearing: Vancouver, B.C. December 1, 2014 Place and Date of Judgment: Vancouver, B.C. December 1, 2014

- [1] THE COURT: The third party has appeared today after my trial reasons for judgment were delivered October 16, 2014, indexed at 2014 BCSC 1948. Third party has asked for "clarification" of my reasons for judgment in respect of the award of damages for loss of future earning capacity.
- [2] The plaintiff opposes the third party's position and notes that the third party does not bring a formal application to reopen the trial or for reconsideration, nor has the third party submitted there was a miscarriage of justice or that it would meet any of the factors for reconsideration.
- [3] The award of loss of future earning capacity at trial was intended to take into account all factors, including an assessment of the present value of the plaintiff's loss of future earning capacity. I concluded that the damages award for loss of earning capacity was \$250,000. It would not be in accord with my reasons for judgment to discount this further. I therefore reject the third party's position that there should be further present valuing of this loss.
- [4] That concludes my reasons.
- [5] Any submission as to costs?
- [6] MR. BROWN: Costs to the plaintiff as part of the trial, My Lady.
- [7] MR. MARCOM: Just costs in the cause, My Lady.
- [8] THE COURT: The costs will be to the plaintiff as the plaintiff has won the cause. "The Honourable Madam Justice S. Griffin"

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