

CASE NO.

VOL. NO.

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CHRISTINA MORRISCEY
(Appellant)

- and -

GARY RONALD ZWICKER
(Respondent)

CA165587

Halifax, N.S.

SAUNDERS, J.A.
BATEMAN, J.A.
(Concurring by
Separate Reasons)

[Cite as: *Morriscey v. Zwicker*, 2001 NSCA 56]

APPEAL HEARD:

February 13, 2001

JUDGMENT DELIVERED:

April 4, 2001

SUBJECT:

Appellate Review of Jury Awards Compensating for Injuries and Damages. Appellate Review of Trial Judge's Directions During Trial and Charge to the Jury. Judge Expressing His Personal Views About the Evidence, in Particular Actuarial Evidence. Expert Witnesses. Distinct Roles of Jury and Judge. Costs.

SUMMARY:

Respondent admitted liability following a motor vehicle accident. The appellant chose trial by jury. After a 10-day trial, the jury awarded her \$25,000 for general damages; \$34,000 for past loss of income; \$3,600 for the cost of future care, and nothing for future loss of income. Appellant alleged that jury's award of compensation was far too low and therefore "perverse". Also complained that trial judge erred in his directions, both during trial and when charging the jury.

HELD:

Appeal dismissed with costs to the respondent. In these unique circumstances went on to calculate what would constitute an appropriate *amount involved*, thereby yielding a sum for party-and-party costs with a portion thereof awarded to the respondent for his success on appeal. No error by jury in its determination of compensation for the appellant, nor any error by trial judge in his treatment of the witnesses or their evidence or in his final charge to the jury. Caution expressed as to the risks inherent if trial judge expresses strongly held views about, for example, the work and opinions of actuaries, to the jury.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 18 pages.