

NOVA SCOTIA COURT OF APPEAL

Citation: *L.M.M. v. Nova Scotia (Attorney General)*, 2011 NSCA 48

Date: Decision Date 20110531

Docket: CA 325126

Registry: Halifax

Between:

L.M.M.

Appellant

v.

The Attorney General
Representing Her Majesty The Queen
in Right of the Province of Nova Scotia

Respondent

Restriction on publication: Pursuant to s. 486.4 of the *Criminal Code*

JUDGE: MacDonald, C.J.N.S.

APPEAL HEARD: April 4, 2011, Halifax, Nova Scotia

SUBJECT: **Civil law, intentional torts; sexual abuse; assessment of damages; general damages; wage loss; diminution of earning capacity.**

SUMMARY: Representing a dark chapter in this Province's history, probation officer Cesar Lalo used his position of power to sexually abuse his young clients. He left a trail of destruction throughout the 1970's and 1980's. The appellant LMM is one of his victims. He sued the Province which admitted liability for Lalo's actions. The Supreme Court of Nova Scotia was tasked with assessing damages.

It awarded LMM \$125,000 for pain and suffering and \$250,000 for lost wages.

LMM now appeals to this court asserting that the award is too low. In the process, he challenges the judge's refusal to admit his expert evidence. The Crown cross-appeals asserting that the wage loss aspect of the award is too high.

ISSUES:

1. Was the general damages award too low?
2. Was the wage loss award inappropriate?
3. Did the judge err in not awarding the costs of future counselling?
4. Did the judge err in refusing to admit the appellant's expert evidence?

RESULT:

Appeal allowed in part. Cross-appeal dismissed.

1. The general damages award was not so inordinately low as to warrant our interference.
2. Likewise, the wage loss award was not inappropriate.
3. The judge erred in not awarding the cost of future counselling.
4. There was no error in refusing to admit the appellant's expert evidence.

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 35 pages.