

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Gerard v. Babin, 2005 NSSC 141

Date: 20050511

Docket: S.PHa(AC) No. 185851

Registry: Port Hawkesbury

Between:

Darrell Gerard

Plaintiff

v.

Mark Joseph Babin

Defendant

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Judge: The Honourable Justice Frank Edwards

Heard: May 10 & 11, 2005, in Port Hood, Nova Scotia

**Written Release
of Oral Decision:** June 2, 2005

Subject: Motor vehicle accident - liability, negligence.

Facts: Plaintiff had tried to pass Defendant on the right side as the Defendant slowed to execute a left-hand turn. Plaintiff's right wheels caught the edge of the ditch and Plaintiff's vehicle rolled on its side into a tree. Plaintiff claimed Defendant had stopped in travel lane thereby creating a dangerous situation.

Result: Plaintiff's case dismissed. Defendant's vehicle had not stopped but was in process of properly executing a left-hand turn. Accident caused by Plaintiff's lack of care and attention. Plaintiff either travelling too fast or Plaintiff impatient. If driving properly, Plaintiff should have been able to avoid accident by simply stopping his vehicle.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***