

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Gillis v. MacKeigan, Jr. 2011 NSSC 123

Date: 20110309

Docket: SYDJC: 262862

Registry: Sydney

Between:

John Lloyd Gillis

Plaintiff

v.

David MacKeigan, Jr.

Defendant

Judge:

The Honourable Justice Frank Edwards

Heard:

By Written Submission, dated March 9, 2011

Written Decision:

March 28, 2011

Counsel:

Derrick J. Kimball and Nash T. Brogan, for the plaintiff
No one Appearing for the defendant

By the Court:

[1] This matter was remitted to me to assess damages following a decision of the Court of Appeal, dated December 10, 2010. In a decision dated January 25, 2010, I had awarded the Plaintiff \$75,000.00 in general damages. Subsequently, in an addendum dated April 6, 2010, I had reduced the general damage award to \$2500.00.

[2] The Court of Appeal directed that I determine whether the Plaintiff's injuries resulted in a permanent serious impairment of an important bodily function caused by a continuing injury pursuant to section 113B(1) of the **Insurance Act**, R.S.N.S. 1989, c.231. Accordingly, I invited Counsel to make a written submission on the issue. I have now received that submission in a letter dated March 9, 2011. (attached as Appendix A).

[3] I accept the March 9, 2011 submission and reinstate my January 25, 2010 assessment of general damages in the amount of \$75,000.00.

Order Accordingly.

Sydney, Nova Scotia