

IN THE SUPREME COURT OF NOVA SCOTIA  
**Citation:** Morel v. Bryden, 2006 NSSC 218

**Date:** 20060705  
**Docket:** S.H. No 178789  
**Registry:** Halifax

**Between:**

Jocelyn Morel

Plaintiff

v.

Patrick Bryden

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**Judge:** The Honourable Justice Suzanne M. Hood

**Heard:** February 13-21, 2006 in Halifax, Nova Scotia

**Written Decision:** July 5, 2006

**Subject:** Personal injury claim

**Summary:** Jocelyn Morel was injured in a rear-end motor vehicle accident on May 29, 2000. Liability is not in issue. Damages are in issue.

**Issue:**

- (1) General Damages
- (2) Past Loss of Income
- (3) Future Loss of Income/Diminished Earning Capacity
- (4) Loss of Valuable Services/Housekeeping Capacity
- (5) Future Medical Expenses
- (6) Special Damages

**Result:** General damage award for whiplash-type injury reduced to \$35,000.00 because of failure to mitigate.

No past loss of income established. Plaintiff continued to received dividend income in some years from company in which she was 50% shareholder. Decline in business resulted from other factors.

No future loss of income established but diminution of earning capacity assessed at \$60,000.00, only to age 60 (6 years) because of other unrelated health factors.

Loss of housekeeping capacity award of \$5,000.00.

Future medical expense award reduced to \$15,000.00 because of *MacLeod v. Lumberman Mutual Casualty Company* 1993 CarswellNS 92, 15 C.C.L.I. (2d) 59, 121 N.S.R. (2d) 146. 335 A.P.R. 146. No special damage award for the same reason.

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