

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) FRIDAY, THE 15th
JUSTICE P.H. HOWDEN) DAY OF MAY, 2009.

B E T W E E N:

**KATHERINE-PAIGE MacNEIL, a minor under the age of 18 years
by her Litigation Guardian, GORD MacNEIL, GORD MacNEIL,
KATHERINE MacNEIL and JAMIE MacNEIL**

Plaintiffs

- and -

**TREVOR BRYAN, DELORES DEKONING and STATE FARM MUTUAL AUTOMOBILE
INSURANCE CO. and HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
ONTARIO REPRESENTED BY THE MINISTER OF TRANSPORTATION FOR THE
PROVINCE OF ONTARIO, and the TOWNSHIP OF ADJALA-TOSORONTIO**

Defendants

- and -

**WAWANESA MUTUAL INSURANCE COMPANY added party pursuant to the
Insurance Act, R.S.O. 1990, c-18, Section 258(14)**

Third Party

J U D G M E N T

THIS ACTION was heard on the May 11th, 12th, 13th, 14th, and 15th, 2009 without a jury at Barrie, Ontario, in the presence of the lawyers for the Plaintiffs, the lawyer for the Defendants, Trevor Bryan and Delores Dekoning, and on May 11, 2009 only, the lawyer for Her Majesty the Queen in Right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario, and no one appearing for the

Defendant, State Farm Mutual Automobile Insurance Co., and the Third Party, Wawanesa Mutual Insurance Company, added pursuant to the provisions of s.258(14) of the *Insurance Act*, R.S.O. 1990, c.1.8, although properly served,

ON READING THE PLEADINGS AND HEARING THE EVIDENCE and the submissions by the lawyers for the Plaintiffs and the lawyer for the Defendants, Trevor Bryan and Delores Dekoning,

1. **THIS COURT ORDERS AND ADJUDGES** that the Defendants, Trevor Bryan and Delores Dekoning shall pay to the Plaintiff, Katherine-Paige MacNeil the total sum of \$18,010,726.03, consisting of damages in the sum of \$17,900,478.33, prejudgment interest at the rate of 5% per annum from September 20, 2002 to May 15, 2009 on the sum of \$321,968.00 in the amount of \$ 107,131.54, and prejudgment interest at the rate of 2.5% per annum from September 20, 2002 to May 15, 2009 on the sum of \$18,730.33 in the amount of \$3,116.16.

2. **THIS COURT ORDERS AND ADJUDGES** that the Defendants, Trevor Bryan and Delores Dekoning shall pay to the Plaintiff, Gordon MacNeil the total sum of \$156,596.92, consisting of damages in the sum of \$117,500.00 and prejudgment interest at the rate of 5% per annum from September 20, 2002 to May 15, 2009 on the sum of \$117,500.00 in the amount of \$39,096.92.

3. **THIS COURT ORDERS AND ADJUDGES** that the Defendants, Trevor Bryan and Delores Dekoning shall pay to the Plaintiff, Katherine MacNeil the total sum of \$203,242.81, consisting of damages in the sum of \$152,500.00 and prejudgment interest at the rate of 5% per annum from September 20, 2002 to May 15, 2009 on the sum of \$152,500.00 in the amount of \$50,742.81.

4. **THIS COURT ORDERS AND ADJUDGES** that the Defendants, Trevor Bryan and Delores Dekoning shall pay to the Plaintiff, Jamie MacNeil the total sum of \$56,641.44, consisting of damages in the sum of \$42,500.00 and prejudgment interest at the rate of 5% per annum from September 20, 2002 to May 15, 2009 on the sum of \$42,500.00 in the amount of \$14,141.44.

5. **THIS COURT ORDERS AND ADJUDGES** that the issue of child care expenses be and the same is hereby reserved.

6. **THIS COURT ORDERS AND ADJUDGES** that all issues regarding the defendants, State Farm Mutual Automobile Insurance Co., Her Majesty the Queen in Right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario, and the Third Party, Wawanesa Mutual Insurance Company, be and the same are hereby adjourned.

7. **THIS COURT ORDERS AND ADJUDGES** that the issue of the Plaintiffs' right

to structure proceeds of this action be and the same is hereby adjourned.

8. **THIS COURT ORDERS AND ADJUDGES** that the issue of the appointment of co-guardians for the Plaintiff, Katherine-Paige MacNeil, be and the same is hereby adjourned.

9. **THIS COURT ORDERS AND ADJUDGES** that the issue of costs be and the same is hereby adjourned.

THIS JUDGMENT BEARS interest at the rate of 6 per cent per year commencing on May 16, 2009.

Entered at **BARRIE**
Inscrit à
JUN 11 2009
In Book No. / au registre no. 22 Per
By

A large, stylized handwritten signature is written over a horizontal line. To the right of the signature, the letter 'J' is written vertically.

KATHERINE-PAIGE MacNEIL et al.

Plaintiffs

- and -

TREVOR BRYAN et al.

Defendants

- and -

WAWANESA MUTUAL INSURANCE COMPANY

Third Party

Court File No.: 02-B5245

ONTARIO

SUPERIOR COURT OF JUSTICE

Proceeding commenced at Barrie

JUDGMENT

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