

QU v. VELASQUEZ AND STATE FARM  
QU V. ECHEVERRIA AND LANDMARK VEHICLE LEASING

17 June 2016

Linda Qu, Self Represented but not present

E. Kent for State Farm

W. Sproull for Echeverria and Landmark Vehicle Leasing

This matter commenced as a judge alone trial on 13 June 2016. On 15 June 2016, I delivered an oral judgment granting the motion brought by the defendants that the plaintiff had failed to comply with the legal requirement that medical evidence be called to establish that the plaintiff had suffered serious and permanent impairment (commonly known as "the threshold") as stipulated in s. 267.5 of the *Insurance Act*. As a result, the plaintiff's actions for general damages and health care expenses – as specified in paragraphs 6, 8 and 9 of her Amended Statement of Claim against State Farm and paragraphs 6 and 7 of her claim against Echeverria and Landmark Vehicle Leasing - were dismissed.

On 16 June 2016, the plaintiff protested the ruling and claimed that she could not continue the trial because of heart problems. She collapsed on the floor and emergency services were called by the court staff. An adjournment was granted to today's date. I understand from both court staff and counsel that as soon as I left the courtroom, Ms. Qu stood up unassisted and briskly left the courtroom telling Mr. Kent, counsel for State Farm, that "he could do what he wanted".

The plaintiff has failed to attend court this morning and the defendants have indicated that they wish to bring a motion under Rule 52.01(2)(a) and (c) to either have the trial continue in the plaintiff's absence or dismissed as abandoned. The defendants have also indicated that they will bring a costs motion in conjunction with the motion to dismiss.

**The matter is accordingly adjourned to 20 June 2016 at 10 am to permit the plaintiff to appear. This endorsement is to be sent to the plaintiff today by same-day courier so that she is aware of the motion. If the plaintiff fails to attend on 20 June 2016, and no adequate explanation is provided for her absence, this court will hear submissions on the defendant's motion to dismiss the claim and for costs.**

