

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Blenkarn v. Mills*,
2017 BCSC 31

Date: 20170110
Docket: M121001
Registry: Vancouver

Between:

Annette Blenkarn

Plaintiff

And

Elwood Mills, Darlene Bork, Jill Adrian, Jennifer Hicks and Laura Lopez

Defendants

- and -

Docket: M153383
Registry: Vancouver

Between:

Annette Blenkarn

Plaintiff

And

Ling Jie Huang and Wen An Tang

Defendants

- and -

Docket: M153336
Registry: Vancouver

Between:

Annette Blenkarn

Plaintiff

And

Aruna Marjorie Simpson

Defendant

Before: The Honourable Mr. Justice Affleck

Supplementary Reasons to: *Blenkarn v. Mills*, 2016 BCSC 1976.

Supplementary Reasons for Judgment

Counsel for the Plaintiff:	M. Chandler
Counsel for the Defendants:	M. Howard
Place and Date of Trial:	Vancouver, B.C. January 6, 2017
Place and Date of Judgment:	Vancouver, B.C. January 10, 2017

[1] These are supplementary reasons to those indexed at 2016 BCSC 1976. In those reasons I found that at the time of the trial the plaintiff continued to experience partially disabling headaches related to the last of the five car accidents which she alleged were tortiously caused. I accepted the headaches the plaintiff was experiencing at the time of trial diminished her capacity to earn income in the future and I found the headaches would subside over about five years from the time of trial “to the point where they no longer interfere with her capacity to be employed”. I assessed damages for loss of earning capacity.

[2] The plaintiff also claimed damages for the cost of care in the future. It has been brought to my attention by her counsel that I neglected to assess that claim and to make an award of damages following that assessment. I now do so.

[3] At trial the plaintiff claimed \$270,000 for the cost of care in the future. That claim was predicated in part on two findings that I declined to make. The first was a finding of liability against the defendant in the first accident, which I found caused significant injuries and the second was a finding that the plaintiff would experience disabilities from the tortiously caused accidents until age 80. The plaintiff is now in her mid-30s.

[4] The evidence at trial was that the plaintiff will need a variety of therapies and services to overcome her continuing disabilities over the next five years including medications (not including marijuana); a TENS machine; physiotherapy; kinesiology services; the services of a psychiatrist; the services of an audiologist; some ergonomic equipment and the services of a housekeeper. The evidence at trial calculated the cost of those therapies and services over the next five years at about \$69,000. I am not persuaded the plaintiff will use all of those services and therapies. I award the sum of \$65,000 for the cost of care in the future.

“Mr. Justice Affleck”