



Kerr v. Paterson, BCSC 2007, M033506

James Buckley represented 58 year old Robert Kerr, who was seriously injured in an accident on December 1, 2001. Mr. Kerr was walking across the road at an intersection in Surrey, B.C. when a pick-up truck struck him while making a left turn. The intersection was well lit; however, it was dark and raining and Mr. Kerr had been drinking. The defence tried to blame the accident on Mr. Kerr by suggesting that he walked out in front of a moving pick-up truck because he was under the influence of alcohol. The defence argued that Mr. Kerr was a dysfunctional alcoholic before the accident and that his future care needs were not very extensive. The jury did not accept the defence argument. After four weeks of trial in the BC Supreme Court the jury found the defendants 70% liable and awarded Mr. Kerr damages of \$2,397,492.08. This award included \$700,000 in damages for pain and suffering (an amount that was reduced by the trial judge to \$321,000 -- the maximum amount at the time) and \$1,430,000 in damages for cost of future care.