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MULTI-MILLION DOLLAR JUDGMENTS STILL EXIST

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COWAN NEWS*

MUNICIPAL

On July 17, 1987, Stephen Mortimer of London was in an apartment of a college classmate when he and a friend engaged in some friendly pushing, stumbled against a plywood barrier on an outside staircase and fell about ten feet to the ground. His friend received minor injuries but Stephen Mortimer's spine was severed rendering him quadriplegic.

A court recently awarded \$5 million to this young man and found that the City of London was 80 percent liable and the owner of the rented building, 20 percent liable. No liability was assessed against the tenant who was hosting the party or by either of the

participants in the friendly horseplay.

The lawyer for the city could only say that this is something that should send a shudder through every municipality if they are going to be found 80 percent liable for something which happens on private property. The allegations against the city relate to building inspection and enforcement of the Building Code.


Interestingly, the inevitable appeal will be a rematch between two of Ontario's most prominent lawyers – Gordon Henderson for the City of London, and Earl Cherniak for Mortimer. Gordon Henderson was the appeal lawyer who won a significant case involving the City of Brampton in

1987 when the Ontario Court of Appeal overturned judgment against the city after a trail bike accident in a gravel pit owned by Brampton.

HOSPITAL

In December 1989, three-and-a-half-year-old Jordon Dube was left quadriplegic after a routine hernia operation in a hospital.

An \$18.5 million lawsuit was launched against the hospital, doctors and the manufacturer of an anesthetic machine.

The three defendants have admitted liability and the court now has to deal with the question of how much the Dube family should receive in damages. 

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