

NO 32492
KAMLOOPS REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

ROBERT NICHOL WALKER

PLAINTIFF

AND:

GLEN R. DIRK

DEFENDANT

ORDER

BEFORE THE HONOURABLE) THURSDAY, THE 11TH DAY
MR. JUSTICE POWERS) OF MARCH, 2004

THIS ACTION coming on for trial at Kamloops, before Judge and Jury, on the 2nd to the 6th, 9th to the 13th and the 16th to the 19th days of February, 2004, and on Motion for Judgment being heard this day, and on hearing John M. Hogg, Q.C., counsel for the Plaintiff, and Russell R. Cundari, Esq. counsel for the Defendant and Tara J. Decker, agent for Guy P. Brown, Esq., counsel for the Defendant;

THIS COURT ORDERS AND BY CONSENT that:

1. The Jury's non-pecuniary damage award of \$420,000.00 for the Plaintiff's pain and suffering and loss of enjoyment of life is reduced, as a matter of law, to the rough upper limit of \$294,258.00;

THIS COURT FURTHER ORDERS that:

2. The Defendant shall pay to the Plaintiff the sum of \$294,258.00 for non-pecuniary damages for pain and suffering and loss of enjoyment of life;
3. The Defendant shall pay to the Plaintiff the sum of \$212,000.00 for past loss of income from April 29, 2000 to February 19, 2004 and the sum of \$11,046.22 for interest earned on the past loss of income at the District Registrar's rates for the total sum of \$223,046.22;
4. The Defendant shall pay to the Plaintiff the sum of \$572,000.00 for diminished capacity to earn income in the future;
5. The Defendant shall pay to the Plaintiff the sum of \$40,000.00 for cost of future care, subject to deductions, if any, pursuant to s.25 of the *Insurance (Motor Vehicle) Act*, R.S.B.C. 1996, c.231 and amendments thereto, with liberty to apply for further directions if counsel cannot agree on the appropriate deductions;
6. The Defendant shall pay to the Plaintiff the sum of \$1,700.00 for special damages, subject to deductions, if any, pursuant to s.25 of the *Insurance (Motor Vehicle) Act*, R.S.B.C. 1996, c.231 and amendments thereto, with liberty to apply for further directions if counsel cannot agree on the appropriate deductions, together with the applicable interest calculated at the District Registrar's rates;
7. The Plaintiff's claim for an in-trust award on behalf of the Plaintiff's wife, Carol Walker, is dismissed;
8. The Defendant shall pay to the Plaintiff his taxable costs and disbursements at Scale 3;

9. The parties have leave of this Court to return for any necessary directions.

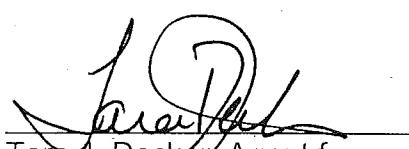
BY THE COURT



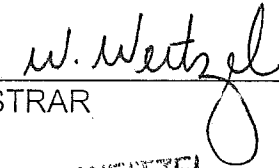
APPROVED AS TO FORM AND
CONSENTED TO WHERE INDICATED



John M. Hogg, Q.C.
Solicitor for the Plaintiff



Tara J. Decker, Agent for
Guy P. Brown, Esq.
Solicitor for the Defendant



REGISTRAR
W.J. WEITZEL
DEPUTY DISTRICT REGISTRAR


CHECKED

ENTERED

JUN - 4 2004

KAMLOOPS REGISTRY

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