

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
GARY HILLIER	- and -	ELEANOR B. MANN
(Appellant)		(Respondent)
CA 175975	Halifax, N.S.	HAMILTON, J.A. (Orally)

[Cite as: **Hillier v. Mann, 2002 NSCA 109**]

APPEAL HEARD: September 10, 2002

JUDGMENT DELIVERED: September 10, 2002

WRITTEN RELEASE OF ORAL DECISION: September 16, 2002

SUBJECT: Motor vehicle accident: adequacy of jury award of damages, fairness of trial, costs

SUMMARY: For injuries suffered in a motor vehicle accident a jury awarded the appellant general damages and damages for lost past income and future lost income. The trial judge refused to determine the cost of future drugs himself and awarded costs taking into account settlement offers made by the respondent.

ISSUES:

- (1) The appellant alleged that the trial judge failed to instruct the jury in a fair and impartial manner. This included emphasizing the respondent's position repeatedly, while minimizing the appellant's arguments. The appellant also alleged that the trial judge created an air of animosity and hostility against the appellant by making disparaging comments to appellant's counsel and raising objections that were not raised by respondent's counsel;
- (2) The jury's award was inordinately low;
- (3) The trial judge should have used his discretion and determined that the respondent should pay an amount to the appellant for future drug costs; and
- (4) The trial judge erred in awarding party and party costs to the respondent from August 30, 2001, the date of the formal offer, to the end of the trial.

RESULT: The appeal was dismissed with costs payable to the respondent.

This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 2 pages.