

CASE NO.**VOL. NO.****PAGE**

DAVID BRIAN ROGERS

DAVID YOUNG

- and -

(Appellant)

(Respondent)

CA 161786

Halifax, N.S.

Freeman, J.A.

[Cite as: Rogers v. Young, 2000 NSCA 77]**APPEAL HEARD:**

June 5, 2000

JUDGMENT DELIVERED:

June 8, 2000

SUBJECT:**ASSESSMENT OF DAMAGES - APPEAL FROM
DAMAGE AWARD FOR LOST INCOME
FOLLOWING JURY TRIAL****SUMMARY:**

The appellant was awarded \$5,000. general damages and \$7,500. for lost income as a result of injuries suffered in a motor vehicle accident. Counsel for the appellant submitted that the jury's assessment of damages were so inordinately low "no jury reading the evidence as a whole and acting judicially could have reached such a conclusion". Counsel for the appellant also allege three errors by the trial judge on evidentiary rulings and four errors in jury instructions.

ISSUE:

Were the assessment of damages by the jury so inordinately low? Did the trial judge err on three evidentiary rulings and four jury instructions?

RESULT:

Appeal dismissed. The Appeal Court reviewed the evidence in detail and concluded, on that evidence, that no error has occurred which could have resulted in a miscarriage of justice or which would warrant the setting aside the jury's verdict and ordering of a new trial.

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 6 pages.