Date: 20131219
Docket: CA 417911
Registry: Halifax

Between:

Wanda Szubielski

Appellant

v.

Dr. Richard B. Price, Dr. Richard B. Price
Dentistry Incorporated, a body corporate, Dr.
Michael Roda, Dr. Sayed M. Mirbod, and Dr. Andrew
F. Thompson, carrying on business in partnership as
Park Lane Dental Specialists

Respondents

Judge:	Mr. Justice Jamie W.S. Saunders
Appeal Heard:	December 4, 2013, in Halifax, Nova Scotia
Subject:	**Dental Malpractice. Summary Judgment. Causation. Standard of Care. Expert Evidence.**
Summary:	The plaintiff sued a dentist, dental clinic and dental assistant for negligence blaming them for failing to properly diagnose or treat her periodontal disease and for causing serious, long-lasting injury by pointing a "hazardous device" at her jaw, and her legs, without her consent. She and the defendants brought separate applications for summary judgment. The Chambers judge granted the defendants' motion, but refused the plaintiff's. She appealed.
Held:	Appeal dismissed. The Chambers judge was right to conclude that there was no expert evidence to suggest that such a "hazardous device" existed, or that if it did, such a device caused the lesions and other afflictions for which the appellant

claimed substantial damages. Accordingly, the appellant had failed to present evidence which would prove causation, a material fact in her cause of action against the respondents. The Chambers judge was right to dismiss her summary judgment motion based on the use of a "hazardous device".

In the face of conflicting expert evidence concerning the best treatment choices for her periodontal disease, the judge was right to deny her request for summary judgment, the effect of which was to preserve that aspect of her claim for trial.