

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** Romkey v. Metropolitan Transit Authority, 2003NSSC250

**Date:** 20031219

**Docket:** 153112C

**Registry:** Halifax

**Between:**

Darrell Romkey

Plaintiff

v.

Metropolitan Transit Authority

Defendant

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**Judge:** The Honourable Justice Frank Edwards

**Heard:** December 1, 2, 3 and 4, 2003 in Halifax

**Written Decision:** December 19, 2003

**Subject:** Motor vehicle accident – negligence – damages

**Facts:** On January 29, 1997, a bus operated by the Defendant negligently caused the Plaintiffs' vehicle to slam into the curb bringing it to a dead stop from 60 kmh. The collision caused the Plaintiff to suffer a herniated disc at L5-S1. The Plaintiff suffer permanent and persistently troubling but not totally disabling restriction and pain.

A second accident in April 2000 caused herniation of the same disc. The Plaintiff also had pre-1997 back complaints.

**Issues:**

1. Was the Defendant negligent and, if so, was that negligence the cause of the Plaintiff's 1997 injury?
2. What was the effect of the second accident?
3. Was the Plaintiff's previous medical history related to his present disability?
4. Quantum of damages?

**Result:**

The Defendant was solely responsible for the 1997 injury; there was no contributory negligence. The Plaintiff's disability had plateaued prior to the April 2000 accident and continues to this day. His present condition is not related to his pre-1997 back problems.

General Damages: \$50,000.00;

Past Loss of Income: Nil - insufficient evidence;

Loss of Future Income Capacity: \$60,000.00.

**Cases Cited:**

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