SCC Denies Leave in Chronic Pain Case

June 28, 2019

In *Petz v. Duguay*, 2017 ABQB 90, the Court of Queen's Bench of Alberta awarded a total of $76,028 to the Plaintiff following injuries sustained in a motor vehicle accident on September 12, 2004 (the Accident). The matter took four weeks to try and involved testimony from a number of experts — the Plaintiff called nine experts while the Defendant called five. As a result of her injuries, the Plaintiff claimed damages in excess of $1 million.

The trial decision highlighted the centrality of a plaintiff's credibility, particularly where the evidence hinged on that plaintiff's self-reporting

The award was upheld on appeal with a 2-1 split decision by the Court of Appeal: *Petz v. Duguay,* 2018 ABCA 402.

Very recently, the Plaintiff was denied leave to the Supreme Court: *Shelly Ann Petz v. Patrick Duguay*, 2019 CanLII 53417 (SCC).

These decisions continue to remind us of the importance of obtaining Independent Medical Evaluations early on in the litigation process and highlight the importance of using Formal Offers as a strategic tool in personal injury litigation to offset a defendant's legal costs.

By

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