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"I had great relationships with the Hispanic - we had a lot of Hispanics in the school actually from different countries, Venezuela, from Brazil, and they all played soccer, and I was on the soccer team, and I developed great relationships with them."
- Donald Trump

COMPETING ENGINEERS ON SUMMARY JUDGMENT: THE NEXT OLYMPIC DEMONSTRATION SPORT



UPCOMING SPEAKING ENGAGEMENTS

*In 2014 the Supreme Court of Canada released the landmark decision in *Hryniak v. Mauldin* which had the effect of opening the doors for many more Summary Judgment motions to be brought. This has allowed both the plaintiff and the defendant to try and get the issues in dispute dealt with in an early and expeditious manner. That said, one of the areas where there was difficulty in getting The Courts to rule on a matter prior to trial was in instances where the parties presented competing engineering evidence, which evidence was being put forward to assist the court in determining what actually happened. In jurisprudence that followed *Hryniak*, the courts had been reluctant to dismiss claims at this stage, given the concern that the full machinery of trial ought to be brought to bear on the competing expert evidence.*

That was true until the decision in *Kavounov v. Karaman* (2016), O.J. No. 3551 (Sup.Ct.). The summary judgment motion was argued by myself. In this case, the issue on the Summary Judgment motion was "who was driving the car?" This is an issue insurers often face where there is controversy as to who was actually operating the vehicle, especially in serious rollover collisions involving fatalities.

In this case, the only surviving individual from the single vehicle rollover accident was the defendant Karaman, who claimed he was not driving. The widow of the individual said to be driving did not accept Karaman's evidence and commenced an action alleging Karaman was in fact the driver, and that her husband who was killed, was in fact the passenger. The accident happened in Jasper National Park, on a deserted road late at night, and there were no witnesses save for the survivor, who had always maintained he was a

You can find members of Dutton Brock at these upcoming seminars or presentations:

- Josiah MacQuarrie was a speaker at CICMA's Annual General Meeting on September 7 at the Ontario Bar Association office, Toronto.

- Susan Gunter is co-chairing the Osgoode Hall Law School Professional Development "12th Annual Update: Personal Injury Law and Practice" on September 23, 2016.

- Philippa Samworth is co-chair of the Medico-Legal Society, "Medical Marijuana" seminar at the Doubletree by Hilton, Toronto on October 18.

- Ms. Samworth is also a speaker at the CIAA-CICMA joint education seminar at the Hyatt Regency, Toronto on October 26.

- Michelle Mainprize will be speaking on Navigating Arbitration under the LAT at the Toronto Lawyers Association "Practical Approaches for the Personal Injury Lawyer" seminar on November 9, 2016.

- The Dutton Brock Accident Benefits Group is hosting the "Dutton Brock Go" seminar on November 18 at Delta Toronto East Hotel, Toronto.

- On November 24, Christopher Dunn will be a speaker at the Canadian Defence Lawyers "Coverage Foundations" seminar at the Hyatt Regency, Toronto.

- Penalty Costs, Suspension and the Art of Misremembering: Lochte and the Hard-Line Mediation Approach
- Olympic Boxing: Another Story of Bad Faith and Conspiracy
- Gold Medal Settlement Partially Disqualified