



and

No. 1650185
Prince George Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

JESSE RON JAMES CAMPBELL-SMITH

PLAINTIFF

**GREYHOUND CANADA TRANSPORTATION ULC and
CRAIG ALLAN CONROY**

DEFENDANTS

NOTICE OF CIVIL CLAIM

This action has been started by the plaintiff(s) for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

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TIME FOR RESPONSE TO CIVIL CLAIM

A response to civil claim must be filed and served on the plaintiff(s),

- (a) if you reside anywhere in Canada, within 21 days after the date on which a copy of the filed notice of civil claim was served on you,
- (b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed notice of civil claim was served on you,
- (c) if you reside elsewhere, within 49 days after the date on which a copy of the filed notice of civil claim was served on you, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

CLAIM OF THE PLAINTIFF

Part 1: STATEMENT OF FACTS

The Parties

1. The Plaintiff, Jesse Ron James Campbell-Smith, (the “Plaintiff”) is a scaffolding journeyman, and resides at 114 Portage Street, in the City of Prince George, in the Province of British Columbia.
2. The Defendant, Greyhound Canada Transportation ULC (the “Defendant Greyhound”), is an extraprovincial company with their attorney’s office located in the Province of British Columbia at Suite 2600 – 595 Burrard Street, in the City of Vancouver, in the Province of British Columbia.
3. The Defendant, Craig Allan Conroy, (the “Defendant Driver”) who resides at 2322 Shearer Road, in the City of Prince George, in the Province of British Columbia, was at all times material hereto an employee of the Defendant Greyhound, and was licensed to operate a large passenger bus.

The Incident

4. On or about the 14th day of January, 2016, at or near Highway 97 and Ewing Road, near the Community of Woodpecker, in the Province of British Columbia, the Plaintiff was a passenger in a large bus, bearing Alberta licence plate number H63276 (the “Bus”), owned by the Defendant Greyhound and operated by the Defendant Driver, and was pulling a trailer, bearing Alberta licence plate number 532243 (the “Trailer”), owned by the Defendant Greyhound; the Bus lost control and left the highway, rolling over and landing on its side in the ditch (the “Incident”).

5. The Collision was due solely to the negligence of the Defendants, and each of them.
6. The Collision occurred when Defendant Driver failed to keep the Bus on the highway.

Negligence

7. At all material times the Defendant Driver was operating the Bus as aforesaid with the consent, expressed or implied, of the Defendant Owner.
8. The Incident herein was caused by the negligence of the Defendant Driver, for which the Defendant Owner is vicariously liable pursuant to Section 86 of the *Motor Vehicle Act*, R.S.B.C. 1996, c.318.
9. The Incident was caused as a result of the negligence of the Defendant Driver, particulars of which are as follows:
 - a. In failing to keep proper or any lookout;
 - b. In operating the Bus without due care and attention as the circumstances required or without due care and attention, contrary to s. 144(1)(a) of the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318 (the "Motor Vehicle Act");
 - c. In driving the Bus without reasonable consideration for other people using the highway contrary to s. 144(1)(b) of the Motor Vehicle Act;
 - d. In operating the Bus at a speed that was excessive relative to the road, traffic visibility or weather conditions, contrary to s. 144 (1)(c) of the Motor Vehicle Act;
 - e. In operating the Bus at a rate of speed which was excessive in the circumstance or in excess of the posted speed limit, contrary to s. 146 of the Motor Vehicle Act;
 - f. In failing to take reasonable or proper steps to avoid the Incident in the circumstances;
 - g. In failing to stop, or reasonably slow the Bus when the Defendant knew or ought to have known that the Incident was impending;
 - h. In operating the Bus without any or any effective brakes or, alternatively, failing to apply the brakes in time to avoid the Incident;
 - i. In failing to ensure that the Bus was in a safe mechanical condition, including but not limited to steering mechanism, lights, and/or tires;
 - j. In operating the Bus without wearing corrective lenses;

- k. In failing to operate the Bus in a careful and prudent manner having regard to all circumstances, including rate of speed, weight and size of the Bus, the nature, condition, and use of the highway, visibility at the time of the Incident, and the traffic on the highway or that might reasonably be expected to be thereon at the time, so as not to endanger life, limb or safety of property;
- l. In operating the Bus when the Defendant's ability to drive was impaired by fatigue, medications, external distractions or any other impairments, or combination thereof; and
- m. Any other negligence as may appear.

10. Particulars of the negligence of Defendant Greyhound are as follows:

- a. Knowing or having the means of knowing that the Bus and the Trailer were mechanically defective, including but not limited to any or effective brakes, steering mechanism, lights and/or tires;
- b. Knowing or having means of knowing of the mechanical defects in the Bus and the Trailer and failing to have the same repaired or properly repaired;
- c. Failing to have the Bus and the Trailer properly serviced and adequately cleaned;
- d. Failing to have the Bus and the Trailer equipped with adequate warning devices, and any other items necessary for the proper and safe operation of the Bus and the Trailer under the circumstances;
- e. Failing to ensure that the Defendant Driver could operate the Bus safely and competently when the Defendant Owner knew or ought to have known that there was a risk that the Defendant Driver might cause injury to another while operating the Bus due to the Defendant Driver's age, inexperience or other factors;
- f. Failing to ensure the Trailer was properly loaded; and
- g. Any other negligence as may appear.

The Plaintiff's Injuries

11. As a result of the negligence of the Defendants, and each of them, and the Collision, the Plaintiff sustained the following injuries:

- a. Soft tissue injury to the neck;
- b. Soft tissue injury to the back;
- c. Lacerations to the back;
- d. Scarring to the back;

- e. Injury to the low back;
- f. Soft tissue injury to shoulders;
- g. Rotator cuff injury to the right shoulder;
- h. Weakness to the right arm;
- i. Pain to the left leg;
- k. Sleep disturbance;
- l. Miscellaneous bruises, contusions, abrasions; and
- m. Any further injuries that may not be evident at this time (collectively, the "Injuries").

12. The Plaintiff has and continues to undergo medical treatment.

13. The Plaintiff continues to endure pain, suffering and loss of mobility and expects to remain in this state for an undetermined time into the future.

Causation and Damages

14. As a result of the negligence of the Defendants, and each of them, and the Collision and the Injuries, the Plaintiff has suffered the following loss and damage;

a. General Damages for:

- i. Pain, suffering and loss of the amenities of life;
- ii. Past and future loss or impairment of earning capacity and opportunity;
- iii. Past and future loss or impairment of domestic maintenance capacity; and
- iv. Future care costs.

b. Special Damages for:

- i. Past loss of income or wages;
- ii. Cost of transportation to and from medical treatment;
- iii. Cost of medication, treatment providers and facilities, and rehabilitation expenses;
- iv. Expenses (including interest) incurred by third parties on behalf of the Plaintiff, either voluntarily or for remuneration; and
- v. Further particulars of special damages to be determined.

15. The Plaintiff has received health care services as a result of the injuries as aforesaid, and will receive further services which cannot be ascertained at this time, and claims therefore for all past costs of health care services and for all future costs of health care services, in accordance with the provisions of the *Health Care Costs Recovery Act*, SBC 2008, c.27.

Part 2: RELIEF SOUGHT

1. The Plaintiff claims against the Defendants, and each of them for:
 - a. General damages
 - b. Special damages;
 - c. Interest pursuant to the *Court Order Interest Act* R.S.B.C. 1996, c. 79;
 - d. Costs; and
 - e. Such further and other relief as this Honourable Court may deem just and meet.

Part 3: LEGAL BASIS

Negligence

The Defendants and each of them, owed a duty of care to the Plaintiff and breached said duty. The particulars of the breach are set out in Part 1, paragraphs 7 to 10 above.

As a result of the negligence of the Defendants and each of them, the Plaintiff has suffered loss and damage as set out in Part 1, paragraphs 14 and 15 above.

Plaintiff's address for service: Dick Byl Law Corporation
900 – 550 Victoria Street
Prince George, BC V2L 2K1

Place of trial: Prince George, British Columbia

The address of the registry is: 250 George Street, Prince George, BC V2L 5S2.

Dated: October 12, 2016



Signature of Dick Byl

☐ plaintiff X lawyer for Plaintiff

Rule 7-1(1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

- (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

- (ii) all other documents to which the party intends to refer at trial, and

APPENDIX

[The following information is provided for data collection purposes only and is of no legal effect.]

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

The Plaintiff claims against the Defendants, and each of them, for pain and suffering, general damages, special damages, costs and interest arising out of a motor vehicle accident which occurred on or about January 14, 2016 due to the negligence of the Defendants, and each of them.

The Plaintiff has suffered and continues to suffer damage, loss and expense as a result of the negligence of the Defendants, and each of them.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

- X a motor vehicle accident
- ☐ personal injury, other than one arising from a motor vehicle accident
- ☐ a dispute about real property (real estate)
- ☐ a dispute about personal property
- ☐ the lending of money
- ☐ the provision of goods or services or other general commercial matters
- ☐ an employment relationship
- ☐ a dispute about a will or other issues concerning the probate of an estate
- ☐ a matter not listed here

Part 3:

1. *Motor Vehicle Act*, R.S.B.C. 1996, c. 318;
2. *Negligence Act*, R.S.B.C. 1996, c. 333; and
3. *Court Order Interest Act*, R.S.B.C. 1996, c. 79.

No.
Prince George Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

JESSE RON JAMES CAMPBELL-SMITH

PLAINTIFF

AND

GREYHOUND CANADA TRANSPORTATION LLC and
CRAIG ALLAN CONROY

DEFENDANT

NOTICE OF CIVIL CLAIM

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