Court File No.:

*ONTARIO*

**SUPERIOR COURT OF JUSTICE**

B E T W E E N:

JANE DOE and JOHN DOE

Plaintiffs

- and -

DEFENDANT #1 and DEFENDANT #2

Defendants

**STATEMENT OF CLAIM**

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiffs. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the Plaintiffs’ lawyer, or where the Plaintiffs do not have a lawyer, serve it on the Plaintiffs, and file it, with proof of service, in this Court office, WITHIN TWENTY DAYS after this Statement of Claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a Statement of Defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the Rules of Civil Procedures. This will entitle you to ten more days within which to serve and file your Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. If you wish to defend this proceeding but are unable to pay legal fees, legal aid may be available to you by contacting a local Legal Aid office.

Date:

Issued by Registrar

Address of Court Office:

114 Worsley Street

Barrie, Ontario

L4M 1M1

TO:

**CLAIM**

The Plaintiff, JANE DOE, claims:

* 1. Damages in the amount of $2,000,000.00;
  2. Pre-judgment interest pursuant to the provisions of s. 128 of the *Courts of Justice Act*, R.S.O. 1990, c.C.43;
  3. Post-judgment interest pursuant to the provisions of s. 129 of the *Courts of Justice Act*, R.S.O. 1990, c.C.43;
  4. Costs of this action on a substantial indemnity basis; and
  5. Such further and other relief as this Honourable Court may deem just.

The Plaintiff, JOHN DOE, claims:

* 1. Damages in the amount of $150,000.00 pursuant to the *Family Law Act*, R.S.O. 1990, c.F.3;
  2. Pre-judgment interest pursuant to the provisions of s. 128 of the *Courts of Justice Act*, R.S.O. 1990, c.C.43;
  3. Post-judgment interest pursuant to the provisions of s. 129 of the *Courts of Justice Act*, R.S.O. 1990, c.C.43;
  4. Costs of this action on a substantial indemnity basis; and
  5. Such further and other relief as this Honourable Court may deem just.

**THE PARTIES**

The Plaintiff, JANE DOE, resides in the City of Barrie. She was the driver of a motor vehicle (the “Plaintiff’s Motor Vehicle”) and was involved in motor vehicle collisions on April 8, 2005 and December 12, 2006. She is the spouse of the Plaintiff, JOHN DOE. They reside together in the City of Barrie.

The Defendant, DEFENDANT #1, resides in the City of Barrie. She was the owner and operator of a motor vehicle in involved in a motor vehicle collision that occurred on April 8, 2005 (the “Defendant Anderson’s Motor Vehicle”).

The Defendant, DEFENDANT #2, resides in the City of Barrie. She was the owner and operator of a motor vehicle that was involved in a motor vehicle collision on December 12, 20xx (the “Defendant #2’s Motor Vehicle”).

**THE APRIL 8, 20xx COLLISION**

On April 8, 20xx, the Plaintiff’s Motor Vehicle was proceeding westbound on Sunnidale Road near its intersection with Anne Street in the City of Barrie, in the Province of Ontario.

At the same time, the DEFENDANT #1’s Motor Vehicle was proceeding southbound on Anne Street, approaching the intersection with Sunnidale Road.

The Plaintiff’s Motor Vehicle entered the intersection on a green traffic signal when, suddenly and without warning, the DEFENDANT #1’s Motor Vehicle collided violently with the Plaintiff’s Motor Vehicle.

The collision caused the Plaintiff’s Motor Vehicle to rollover and strike a street light.

**NEGLIGENCE**

The April 8, 20xx motor vehicle and resultant injuries to the Plaintiff, JANE DOE, was caused as a result of the negligence of the Defendant #1, as follows:

* 1. She entered the intersection against a red traffic signal;
  2. She failed to keep a proper lookout;
  3. She was travelling at an excessive rate of speed;
  4. She failed to warn [plaintiff driver] of her presence;
  5. She created a situation of danger and emergency;
  6. She was distracted because she was speaking with a passenger in the vehicle or she was using her cellular telephone;
  7. She failed to take reasonable care to avoid a collision, which she knew or should have known was likely to occur;
  8. Her ability to operate a motor vehicle was impaired due to her consumption of alcohol and drugs;
  9. She failed to apply her brakes properly or at all;
  10. She failed to keep the Defendant #1’s Motor Vehicle under proper control;
  11. She failed to give any warning or her approach, although such warning was reasonably necessary under the circumstances;
  12. She did not take steps to avoid the collision, including but not limited to, sounding her horn or taking evasive action, despite having a clear chance and responsibility to do so;
  13. She was incompetent to operate a motor vehicle with normal care and attention because her faculties of observation, perception, judgment and self-control were impaired due to her physical and mental condition at the time of the collision; and
  14. She was an incompetent and inexperienced driver lacking in reasonable skill and self-command and ought not to have attempted to operate a motor vehicle and she failed to ensure that her vehicle was in a proper state of mechanical repair suitable for the safe use thereof on highway.

**THE DECEMBER 12, 20xx COLLISION**

On December 12, 20xx, the Plaintiff’s Motor Vehicle was travelling northbound on Bryne Drive near its intersection with Commerce Park Drive in the City of Barrie, in the Province of Ontario.

At the same time, the DEFENDANT #2’s Motor Vehicle was also travelling northbound on Bryne Drive. The Plaintiff’s Motor Vehicle was ahead of the DEFENDANT #2’s Motor Vehicle.

Suddenly and without any warning, the DEFENDANT #2’s Motor Vehicle violently struck the rear of the Plaintiff’s Motor Vehicle.

**NEGLIGENCE**

The December 12, 20xx motor vehicle collision and resultant injuries to the Plaintiff, JANE DOE, were caused as a result of the negligence of the DEFENDANT #2.

The DEFENDANT #2, was negligent in that:

* 1. She was following too close to the Plaintiff’s Motor Vehicle;
  2. She failed to see the Plaintiff’s Motor Vehicle although she could and ought to have done so;
  3. She failed to apply her brakes properly or at all;
  4. She failed to keep the proper lookout;
  5. She was operating the DEFENDANT #2’s Motor Vehicle when her ability to do so was impaired by drugs or alcohol or by both;
  6. She created a situation of danger and emergency;
  7. She was operating a motor vehicle when she knew or ought to have known that it was not in fit and proper condition for safe operation on the highway;
  8. She was travelling at an excessive rate of speed;
  9. She was an incompetent driver lacking in reasonable skill and ought not to have attempted to operate a motor vehicle on the occasion in question; and
  10. She failed to take reasonable care to avoid a collision which she knew or ought to have known was likely to occur.

**THE DAMAGES**

As a result of the collisions, JANE DOE sustained injuries causing permanent serious impairment of important physical, mental and psychological functions. Her injuries include, but are not limited to the following:

* 1. compression fractures of her T10, T11 and T12 vertebrae;
  2. compression of the vertebral bodies at T11 and T10 of her spine; and
  3. lacerations, bruises and a general wearing, tearing and straining of muscles and soft tissues throughout her body.

As a result of her injuries, JANE DOE currently suffers from:

* 1. constant pain in her back;
  2. constant pain in her neck;
  3. impaired mobility;
  4. headaches;
  5. impaired sensation in her back and neck;
  6. impaired sleep; and
  7. depression and emotional lability.

As a result of her injuries, JANE DOE has suffered a loss of income and will suffer a loss of earning capacity. She claims damages for her past and future loss of income and her future loss of earning capacity.

JANE DOE has and will continue to suffer pain and disability that will impair her enjoyment of life. She claims damages for her pain and suffering and loss of enjoyment of life.

JANE DOE is unable to perform household and home maintenance chores for herself to the extent that she was able to do so before the collisions. She has suffered a loss of housekeeping and home maintenance capacity. She will require assistance in the future to complete such chores. She claims damages for her loss of housekeeping and home maintenance capacity.

JANE DOE has been put to medical and other health care expenses as a result of the motor vehicle collisions which will continue for the rest of her life. She claims damages for the cost of past and future medical, rehabilitation and other health care expenses.

JANE DOE has been put to out-of-pocket expenses as a result of the motor vehicle collisions. She claims damages for her out-of-pocket expenses.

JOHN DOE claims damages pursuant to the *Family Law Act*, R.S.O. 1990, c.F.3. He has suffered a loss of JANE DOE’s care, guidance and companionship that she could have provided but for her injuries.

**THE TRIAL**

The Plaintiffs propose that this action be tried at the City of Barrie, in the Province of Ontario.

DATED March , 20xx