

## A Lesson In Math: Winners And Losers In Personal Injury Lawsuits



When a personal injury claim goes to trial there is a winner and a loser. Who the winner is, however, is not always apparent by reading the Court judgement. To know who the winner really is you have to know the behind the scenes formal settlement offers.

Reasons for judgment were released today demonstrating, yet again, the steep costs Plaintiffs can face when on the losing end of a BC personal injury lawsuit.

In today's case (*Smagh v. Bumbrah*) the Plaintiff was injured in a motor vehicle collision. She sued for damages. Before trial the Defendants made a formal settlement offer for \$20,000. The Plaintiff rejected this offer and went to trial. After 10 days of trial a BC Jury awarded \$2,200. The Defendant was awarded 'costs' from the date of the formal offer onward. ([You can click here to read my summary of the costs judgement](#)).

On the face of it the Plaintiff clearly lost because she was awarded far less by the Jury than the settlement offer. But the full extent of the loss is far greater than the difference between \$20,000 and \$2,200. The Plaintiff actually ended up owing the Defendant money for this result. How much money? Approximately \$40,000.

[You can read today's judgment in full](#) to see the types of items a losing litigant can end up owing the winning side to a lawsuit and to see just how quickly a 'costs' award can add up.

Today's case helps illustrate an important point [I've previously stressed](#). Before a case goes to trial it is important to fully consider the potential risks and rewards including the significant toll a costs award can have. Without knowing and weighing these risks it is very difficult to make an informed choice about whether to settle or proceed to trial.