

COURT

Student awarded more than \$100,000 for broken thumb

Cyclist's injury affects jobs, tennis grip, earnings, judge rules

BY TOM ZYTARUK

A history student whose thumb was broken in a car crash in south Surrey in 2009 was awarded \$116,060.91 in damages by Justice Neill Brown in B.C. Supreme Court in New Westminster last week.

Teodor Dobre, 20, was riding his bicycle to McDonald's to grab some lunch when the rear wheel of his bike was hit by a car at Martin Drive and Southmere Crescent, knocking Dobre from his bike. Dobre broke his thumb when he landed with his hands outstretched to break his fall.

The female driver, who was sued by Dobre, denied responsibility for the 2009 collision.

While Dobre also suffered some scrapes and bruises, as well as neck and back soft tissue injuries, Justice Brown noted his "most serious injury" was the broken thumb. It required two small surgical nails to

repair, but Dobre's pain and disability is expected to worsen in coming years.

The court was told Dobre holds a part-time job as a librarian at Surrey Public Library and, as a result of the accident, cannot hold many books when sorting. The injury also affected his tennis grip and he has difficulty weight training.

The court was told Dobre had to give up his job as an assistant baker at Safeway on account of his injury.

Justice Brown noted that while Dobre's "scholarly inclinations" suggest he's likely to pursue an academic or professional career, that was not written in stone and he has not yet chosen a career path. Brown said Dobre could choose a career "where a poorly functioning right thumb places him at a competitive disadvantage.

"This consideration is particularly important in light of the central role opposable thumbs

play in so many facets of human activity, even somewhat sedentary ones," Brown said.

In his decision the judge found the defendant was 85 per cent responsible for the crash, and Dobre was 15 per cent responsible.

Calculating Dobre's loss of future earning capacity, loss of past income, special damages, cost of future care and future costs related to his loss of ability to do maintenance work around his home and yard, Brown arrived at a total of \$136,542.25, but awarded Dobre \$116,060.91 because of his partial liability in the accident.

He noted in the decision that the defendant didn't see Dobre, didn't brake, and the crash sent Dobre, who was not wearing a helmet, "flying high into the air."

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