

---

**FACEBOOK POSTINGS CRUCIAL IN LIMITED PLAINTIFF'S  
EXAGGERATED CLAIMS**

Reported Case:	Terry v. Mullaney
Citation:	2009 NLTD 56
At Issue:	Whether the plaintiff was entitled to damages arising out of two motor vehicle accidents.
The Court:	Newfoundland and Labrador Supreme Court (Trial Division)
Judgment Rendered:	April 17, 2009
Factual Summary:	The plaintiff was injured in two separate motor vehicle accidents. Liability was admitted by the defendants and the defendants had independently and without Court intervention reached an agreement with regard to apportioning responsibility. Plaintiff claimed in excess of \$500,000 under several heads of damage, including pain and suffering and loss of past and future income. Plaintiff's credibility was very much in issue, it being the defendants' view he was exaggerating the extent to which the accident affected his ability to carry on as he had before the accident. In particular, the defendants maintained the plaintiff's postings on Facebook, including photos and commentary, undermined his claims.
Disposition By Lower Court:	The judge agreed with the defendants, finding that without the Facebook evidence he "would have been left with a very different impression of the plaintiff's social life." The combination of this evidence, as well as surveillance evidence, resulted in a \$40,000 general damages award for pain and suffering and loss of amenities of life.

---