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The ARC Legal Reporter
Introductory Issue

Nova Scotia Court Determines Territorial Limits Clauses Do Apply to Underinsured Motorist Coverage.

Reported Case:	Rosignal v. Rubidge
Citation:	2007 NBQB 89
At Issue:	Whether the Plaintiff's non-pecuniary general damages are limited to $2500, the "cap" put in place by the New Brunswick government for any "minor personal injury" arising from motor vehicle accident.
The Court:	New Brunswick Court of Queen's Bench
Judgment Rendered:	March 5, 2007
Factual Summary:	The plaintiff suffered a comminuted fracture of his right tibia and fibula, along with contusions and abrasions arising from a motor vehicle accident. The plaintiff made a complete recovery from his injuries. Within two years of the accident, however, he began to experience anxiety attacks.
At Trial:	The plaintiff made a full recovery from his physical injuries and the psychological issues arising almost two years post accident were not related to the accident. This case is important, being one of the early judicial decisions opining on the scope of the legilated cap. Although the trial judge found the plaintiff "suffered serious leg fractures" he could not conclude the plaintiff had suffered a permanent serious impairment of any bodily function" so, therefore, the plaintiff's non-pecuniary loss was "a minor personal injury" subject to the cap. Action allowed.