

Personal Injuries Under The Doctrine of *Res Judicata*

Reported Case:	Kameka v. Williams
Citation:	2009 NSCA 107
At Issue:	Whether obtaining judgment in Small Claims Court for property damage caused Plaintiffs' cause of action to merge into that judgment and preclude him from bringing a proceeding claiming damages for personal injuries under the doctrine of <i>res judicata</i> .
The Court:	Nova Scotia Court of Appeal
Judgment Rendered:	October 22, 2009
Factual Summary:	Following a motor vehicle accident, the Respondent successfully sued the Appellant driver in Small Claims Court for property damage to his motorcycle. The Respondent then brought an action in the Supreme Court against the driver and the owner seeking compensation for personal injuries. The driver and owner applied to have the action struck as being barred by the doctrine of <i>res judicata</i>
At Trial	The Chambers Judge dismissed the application noting in his reasons that "it would have been obvious to the Defendant that the Plaintiff was going to the SCC to recover only his property loss". The Defendants appealed.
Decision:	Appeal allowed. "(T)here can be no doubt that there is only one cause of action for a single wrongful or negligent act." The Respondent sued on the basis of negligence and sought damages for the personal property loss caused in the Small Claims Court. His second cause of action in the Supreme Court alleges the same act of negligence but claims damages for personal injuries. It could not be sustained