
**ALBERTA COURT OF APPEAL ADOPTS SCC LEAD: STABBING AN INDEPENDENT,
INTERVENING CAUSE AND DID NOT ARISE FROM USE OR
OPERATION OF MOTOR VEHICLE**

Reported Case:	Haekel v. Allstate Insurance Co.
Citation:	2007 ABCA 419
At Issue:	Whether a fatal stabbing arose out of the use or operation of a motor vehicle triggering Section B benefit coverage under Alberta's standard automobile policy.
The Court:	Alberta Court of Appeal
Judgment Rendered:	December 20, 2007
Factual Summary:	Insured was fatally stabbed following a motor vehicle collision. Three men who were occupants of other vehicles were convicted of manslaughter in his death. His widow, children and estate applied for but were denied Section B accident benefits by his insurer.
Disposition By Lower Court:	The Chambers judge determined that the insurer was not required to pay Section B benefits to the appellant.
Appellate Decision:	Appeal dismissed. Please note that the Alberta Court of Appeal suspended the issuance of reasons pending the issuance of the Supreme Court of Canada's decisions in <i>Vytlingam (Litigation Guardian of) v. Farmer</i> , 2007 SCC 46 and <i>Herbison v. Lumbermens Mutual Casualty Co.</i> 2007 SCC 47. No injury resulted or arose directly out of the use of the motor vehicle. "There was no unbroken chain of causation linking the use by (insured) of his own vehicle and his injury and death. The assault was an independent, intervening cause that precludes recovery under Section B."