

Two Actions, Same Plaintiff

Reported Case:	<i>Hermitage v. Budd</i>
Citation:	2009 NBQB 288
At Issue:	Are the details of a settlement in a slip and fall action relevant to a subsequent motor vehicle accident action by the same plaintiff?
The Court:	New Brunswick Court of Queen's Bench
Judgment Rendered:	October 15, 2009
Factual Summary:	The plaintiff suffered injuries from a slip and fall, and commenced a legal action which was settled. The plaintiff then suffered injuries in two motor vehicle accidents and commenced another legal action. The defendants in the second action brought a motion seeking details of the settlement in the slip and fall action. The plaintiff argued that the quantum of the settlement in the previous matter was irrelevant.
Decision:	The court denied the defendants' motion, stating that the details of the settlement were not relevant and were not necessary to produce. The court distinguished this case from the similar Nova Scotia case of <i>Berta v. Armstrong</i> , on the basis that in that case the parties had agreed that the previous settlement was relevant and the only issue was whether the details were producible. Due to the many factors which go into the negotiation of a settlement, the court ruled that there is questionable probative value in knowing the breakdown of the quantum of a settlement offer. The court additionally stressed the importance of the finality of settlements for all parties.