WESTCOAST NEWS II A5

## **OPINION**

## Jury makes ICBC pay up — again

Pain, suffering: Injured woman awarded tens of thousands for accident insurance firm argued never happened



In the second time this month, ICBC has lost big in B.C. Supreme Court.

After a two-week trial and three-day deliberation, a jury on Monday night awarded a single suffering, lost wages and medical expenses for an accident the insurance giant argued never happened.

The 26-year-old Abbotsford woman couldn't believe she was put through the ordeal.

"ICBC denied my claim from the beginning and I was just relieved when the jury came back and saw through ICBC and what they were trying to do," Dainya Watson said.

The firm, however, stressed that it did not accuse Watson of fraud.

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also discovered watson was pregnant.
"That was a surprise, for sure," she quipped.
"I was on bed rest for eight weeks...! Couldn't take pain medication through the preg-nancy because of the baby ... then I had to have a C-section early."



Dainya Watson of Abbotsford and her horse Tornado were victims of a 2013 hit-and-run. On Monday night, a jury awarded her \$216,500 for pain and suffering, lost wages and medical expenses.

Jurors didn't think the van Watson fingered was the right one. But they said a vehicle was involved and so the insurance company had to pay. Watson said in defending the driver ICBC made her feel like she was in the wrong. "ICBC could have simply acknowledged that our client was not lying. and settled this claim under the hit and run provisions a long time ago," her laway yer Eric Goodman furned.

"It seems that ICBC is increasingly electing to defend injury rather than a judge alone, which is a very clever tactic indeed given ICBC's marketing blitz suggesting that British Columbians should not be trusting one another," Goodman complained.

The state of the state of the state of the state of doubt have been planted before the trial even begins." He added that he was troubled that ICBC does not cite any research to support the inflammatory statistic but "spending lundreds of thousands of advertising dollars to perpetuate a mythor fervasive fraud, it serves to tain the jury pool of the general public."

ICBC spokesman Grossman disagreed, noting that of 60,000 to 70,000 claims a year, only about 0.5 per cent go to trial. Watson continues to struggle with back pain from her injuries.

The baby, her daughter Brookylnn, now is 2-and-a-half and fine. Watson also has an 8-year-old son, Kayden.

Watson's hone, Tornado, who will be seven in July, now can be ridden for pleasure but no longer can compete.

In the previous case, the woman sued ICBC after being falsely accused over her claim of being hit by a car Jan. 31, 2000, while crossing Nelson Avenue at Imperial Street in Burnaby.

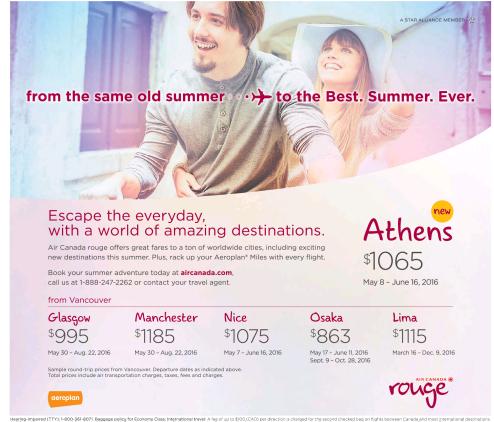
"The malicious prosecution brought fear and shame to a vulnerable person," Justice Griffin said.

"The criminal charge against (Danica) Arsenovski was only stayed on the day of the criminal trial.

"The stain she feels on her character as a result of being charged criminally might never be erased."

e erased. The company is appealing that

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