

City faces \$118M in lawsuits over Westboro bus crash

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First responders attend to victims of the Jan. 11 bus crash at Westboro Station on the Transitway. *WAYNE CUDDINGTON / POSTMEDIA*

Eight civil lawsuits totalling more than \$118 million have been filed against the city, each seeking various damages for the “severe, permanent and catastrophic” injuries suffered by victims of the Westboro Station double-decker bus crash in January.

A separate \$60-million class action suit is also pending.

[Criminal charges laid last week against the driver of the bus \(https://ottawacitizen.com/news/local-news/oc-transpo-driver-to-be-charged-criminally-in-westboro-bus-crash\)](https://ottawacitizen.com/news/local-news/oc-transpo-driver-to-be-charged-criminally-in-westboro-bus-crash) that slammed into the station, killing three passengers and injuring dozens, will have little bearing on pending civil lawsuits that name driver Aissatou Diallo, her employer OC Transpo, and the City of Ottawa as defendants.

The city has retained Terry Shillington of London, Ont.-based Shillingtons LLP, the same firm that represented the city after the fatal 2013 OC Transpo crash.

Each of those claims from 2013 was resolved without going to trial, Shillington said in a phone interview Monday. He said the city is hoping to reach a similar resolution in the current cases.

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“Ottawa is interested in settling these claims as soon as the plaintiffs are in a position to settle the claims,” Shillington said, though no settlements have yet been reached. Families of those killed in the crash are still grieving,

Shillington said, while other victims are still determining the long-term costs of their injuries.

"Typically when you have very serious claims like this its impossible to determine the value of the claim this early in the process," Shillington said. "It takes some time to determine what their needs will be for the rest of their lives."

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The city has been served notice of at least 10 civil lawsuits related to the 2019 crash, and 27 passengers have served notice they have retained their own counsel, Shillington said, meaning they will pursue their own claims rather than participate in the class action.

Shillington said his office has told each of those individual plaintiffs of the city's intention to settle the claims, and said advance payments have already been made to victims.

"That's because we know there are shortfalls right now and it would be useful to have some money, and it also recognizes that we know these are serious claims and we don't want people to have to wait," Shillington said.

"We don't need to drag anything out or put (the victims) through the process. We'd be prepared to settle as early as possible."

Shillington said the criminal charges faced by Diallo — Ottawa police laid three counts of dangerous driving causing death and 35 counts of causing bodily harm — will have little impact on the civil proceedings.

"On Friday the driver was charged, but that does not prevent us from settling the claims, because none of the passengers have anything to do with the liability issues," Shillington said.

A judicial notice sent Monday from presiding Superior Court Justice Calum MacLeod indicates all civil actions arising from the Westboro bus crash will be assigned for case management.

Those include the 27 individual claims, along with the class-action.

The class action is being "swiftly pursued through the pretrial stages," said Evatt Merchant of Merchant Law Group LLP, representing the passengers in the proposed class-action suit.

Merchant appeared in court in June to establish a timetable to certify the class action, with a hearing scheduled for May 2020.

Shillington's firm represents the city — and with it OC Transpo and Diallo — on each of the individual claims and on the class action.

Diallo is represented in the criminal case by Solomon Friedman and Fady Mansour.

The most recent civil suit, lodged in court Aug. 8 by personal injury lawyer Brenda Hollingsworth of Auger Hollingsworth, seeks \$25 million in damages for Anthony and Karen Hall.

Another lawsuit seeks \$13 million for passenger Craig Beaton, who broke both his legs when he was pinned by the seat in front of him on the Route 269 bus to Kanata.

Bruce Thomlinson died in the collision, and his family is now seeking \$3.375 million in a lawsuit naming Diallo and the City of Ottawa as defendants. Two more civil suits were filed in May by personal injury lawyer Howard Yegendorf, one seeking \$17 million for Jason and Karen McIntyre, the other seeking \$28 million for Thomas and Christine Lennox.

Marcie Stevens and her family lodged a \$19 million lawsuit in May, Lynn Ellis lodged a \$6.375 million suit in March, and Gwen Lambert filed a \$6.375 million lawsuit in January, about three week after the Jan. 11 crash.

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