

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

DONALD LAURIE

PLAINTIFF

AND:

DESTINY ELIZABETH SMITH and
KYLE ALEXANDER KEYES

DEFENDANTS

TRIAL SUMMARY

Counsel for Plaintiff: J. Scott Stanley and Irina Kordic

Counsel for Defendants: Ryan Darby

This proceeding involved an injury that occurred on September 12, 2007. The Plaintiff was helping the Defendant, Destiny Elizabeth Smith, with some renovations on her home and was being assisted by her adult autistic son, Kyle Alexander Keyes. The Plaintiff was not wearing safety glasses; knew the son was autistic; and asked the son to assist him.

The son was holding a board for the Plaintiff and moved unexpectedly while the Plaintiff was about to strike the board with a hammer. This caused the Plaintiff's hammer to strike another piece of metal which resulted in a metal splinter entering the Plaintiff's eye and the eventual loss of this eye.

The Plaintiff claimed that the Defendant, Destiny Elizabeth Smith, was liable for permitting her autistic son to work with the Plaintiff and for failing to warn him about the dangers of working with her autistic son.

The case went to trial on May 30, 2011 and was heard by a Judge and Jury. The jury found that the Defendant, Destiny Elizabeth Smith, was 20% liable for the injuries to Mr. Laurie.