

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN

**NERIZA NEVILLE, JENNIFER NEVILLE-LAKE, EDWARD LAKE, JONATHAN NEVILLE
and JOSEPHINE NEVILLE**

Plaintiffs

- and -

**MARCO MUZZO AND AYRFIELD HOLDINGS
LIMITED o/a MAREL CONTRACTORS**

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiffs. This claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiffs lawyer or, where the plaintiffs do not have a lawyer, serve it on the plaintiffs, and file it, with proof of service, in this court office, **WITHIN TWENTY DAYS** after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside of Canada and the United States of America, the period is sixty days.

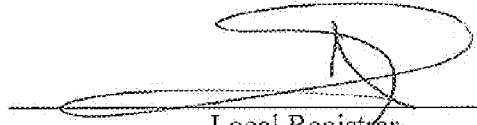
Instead of serving and filing a statement of defence, you may serve and file a notice of intend to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date: APR - 8 2010

Issued by


Local Registrar

Address of
court office: 50 Eagle Street West,
Newmarket, Ontario
L3Y 6B1

TO: MARCO M. MUZZO
28 Langdon Drive
King City, Ontario
L7B 1E1

AND TO: MAREL CONTRACTORS
50 Confederation Parkway
Vaughan, Ontario
L4K 4T8

AND TO: AYFIELD HOLDINGS LIMITED
50 Confederation Parkway
Vaughan, Ontario
L4K 4T8

1. THE PLAINTIFF, NERIZA NEVILLE, claims:

- a) damages in the amount of \$2,500,000.00;
- b) damages pursuant to Section 61 of the *Family Law Act*, R.S.O. 1990, c. F. 3 as amended, in the amount of \$750,000.00;
- c) punitive and/or exemplary damages in the amount of \$1,000,000.00
- d) aggravated damages in the amount of \$1,000,000.00
- e) pre-judgment and post-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c.C.23 as amended;
- f) the costs of this action on a solicitor and client basis, together with applicable Goods and Services Tax;
- g) such further and other relief as This Honourable Court may deem just.

2. THE PLAINTIFF, JENNIFER NEVILLE-LAKE, claims:

- a) damages pursuant to Section 61 of the *Family Law Act*, R.S.O. 1990, c.F. 3 as amended, in the amount of \$3,500,000.00;
- b) punitive and/or exemplary damages in the amount of \$1,000,000.00
- c) aggravated damages in the amount of \$1,000,000.00
- d) damages for nervous shock in the amount of \$2,000,000.00
- e) pre-judgment and post-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c.C.23 as amended;
- f) her costs of this action on a solicitor and client basis, together with applicable Goods and Services Tax;
- g) such further and other relief as This Honourable Court may deem just.

3. THE PLAINTIFF, EDWARD LAKE, claims:

- a) damages pursuant to Section 61 of the *Family Law Act*, R.S.O. 1990, c.F. 3 as amended, in the amount of \$3,000,000.00;
- b) punitive and/or exemplary damages in the amount of \$1,000,000.00
- c) aggravated damages in the amount of \$1,000,000.00
- d) damages for nervous shock in the amount of \$2,000,000.00
- e) pre-judgment and post-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c.C.23 as amended;
- f) their costs of this action on a solicitor and client basis, together with applicable Goods and Services Tax;
- g) such further and other relief as This Honourable Court may deem just.

4. THE PLAINTIFF, JONATHAN NEVILLE, claims:

- a) damages pursuant to Section 61 of the *Family Law Act*, R.S.O. 1990, c.F. 3 as amended, in the amount of \$750,000.00;
- b) punitive and/or exemplary damages in the amount of \$1,000,000.00
- c) aggravated damages in the amount of \$1,000,000.00
- d) pre-judgment and post-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c.C.23 as amended;
- e) their costs of this action on a solicitor and client basis, together with applicable Goods and Services Tax;
- f) such further and other relief as This Honourable Court may deem just.

5. THE PLAINTIFF, JOSEPHINE NEVILLE, claims:

- a) damages pursuant to Section 61 of the *Family Law Act*, R.S.O. 1990, c.F. 3 as amended, in the amount of \$750,000.00;
- b) punitive and/or exemplary damages in the amount of \$1,000,000.00
- c) aggravated damages in the amount of \$1,000,000.00
- d) pre-judgment and post-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c.C.23 as amended;
- e) their costs of this action on a solicitor and client basis, together with applicable Goods and Services Tax;
- f) such further and other relief as This Honourable Court may deem just.

6. The Plaintiff, Neriza Neville, resides in the Town of King City, and at all material times was the driver of a 2016 Dodge Caravan, bearing Ontario license plate number AZBD996 (the "Neville-Lake vehicle") carrying herself, her husband, Gary Neville, her mother, Josefina Frias, and her three grandchildren, Daniel, Harrison and Milagros Neville-Lake.

7. The Plaintiff, Jennifer Neville-Lake, who was at all material times the owner of the Neville-Lake vehicle, resides in the City of Brampton and is the daughter of Neriza and Gary Neville, the granddaughter of Josefina Frias and the mother of Daniel, Harrison and Milagros Neville-Lake.

8. The Plaintiff, Edward Lake, resides in the City of Brampton and is the father of Daniel, Harrison and Milagros Neville-Lake.

9. The Plaintiff, Jonathan Neville, resides in the Town of King City and is the son of Neriza and Gary Neville and grandson of Josefina Frias.

10. The Plaintiff, Josephine Neville, resides in the Town of King City and is the daughter of Neriza and Gary Neville and grand-daughter of Josefina Frias.

11. The Defendant, Marco M. Muzzo, resides in the Town of King City and was at all material times the operator of a 2013 Jeep motor vehicle bearing Ontario license plate number BRDM229 ("the Marel/Ayrfield vehicle").

12. The Defendant, Marel Contractors, is a Partnership registered in the Province of Ontario with a head office in Concord Ontario, and was at all material times the owner of the Marel/Ayrfield vehicle.

13. The Defendant, Ayrfield Holdings Limited, is a corporation duly incorporated pursuant to the laws of the Province of Ontario operating under the name Marel Contractors with a head office in Concord, Ontario, and was at all material times the owner of the Marel/Ayrfield vehicle.

14. Gary Neville was born on May 23, 1950, and until his death, resided in the Town of King City.

15. Daniel Neville-Lake was born on February 3, 2006, and until his death, resided in the City of Brampton.

16. Harrison Neville-Lake was born on July 8, 2010, and until his death, resided in the City of Brampton.

17. Milagros Neville-Lake was born on December 23, 2012, and until her death, resided in the City of Brampton.

18. On September 27, 2015, at approximately 4:10 p.m. in the Town of Vaughan, Neriza Neville was driving the Neville-Lake vehicle westbound on Kirby Road approaching the intersection with Kipling Avenue North. At or about the same time, the Marel/Ayrfield vehicle was travelling northbound on Kipling Avenue North approaching the intersection with Kirby Road (the "Intersection"). The Defendant Muzzo was driving home from the airport after having exited a private plane following a bachelor party in Miami. The Defendant Muzzo consumed numerous alcoholic drinks on the plane and/or after disembarking from the plane. At the time of the accident, the Marel/Ayrfield vehicle was travelling at between 85 km per hour to 196 km per hour and the Defendant Muzzo had a blood alcohol content that ranged from 0.19 to 0.25 mg/percent, which is two to three times the legal limit in Canada.

19. At the Intersection, traffic proceeding east and westbound on Kirby Road have the right of way. Traffic proceeding north and southbound on Kipling Avenue North have stop signs.

20. At the Intersection, the Marel/Ayrfield vehicle proceeded through without stopping at the stop sign and struck the Neville-Lake vehicle with tremendous force and fatal consequences. Following the accident, the Defendant Muzzo manifested numerous signs and symptoms of alcohol impairment including unsteadiness on his feet, glassy eyes, losing his balance, urinating on himself, and smelling of alcohol. He was, at all material times, significantly impaired by alcohol.

21. The impact of the two vehicles caused fatal injuries to Gary Neville, Daniel Neville-Lake, Harrison Neville-Lake and Milagros Neville-Lake and serious injuries to Neriza Neville and Josefina Frias which will be further outlined below.

22. The Defendant Muzzo's conduct was egregiously reprehensible, far exceeding simple negligence and warrants imposition of substantial aggravated and punitive/exemplary damages.

23. The Plaintiffs state that the collision was caused by the negligence of the Defendants, the particulars of which are as follows:

A) AS TO THE NEGLIGENCE OF THE DEFENDANT MARCO M. MUZZO, FOR WHOSE NEGLIGENCE THE DEFENDANTS MAREL CONTRACTORS AND AYRFIELD HOLDINGS LIMITED, OR EITHER OF THEM ARE LIABLE IN LAW:

- a) on the occasion in question he was operating the Marel/Ayrfield vehicle when his ability to do so was impaired by the use of alcohol, drugs, illness, fatigue or a combination thereof;
- b) he drove in a reckless manner without having any regard for the safety of the members of the public;
- c) he created a situation of danger and emergency;
- d) he failed to keep a proper lookout and therefore failed to discover the presence of danger visible and obvious to a reasonable man or to an ordinary and prudent man;

- e) he failed to observe the Neville-Lake vehicle approaching on Kirby Road;
- f) he failed to stop at the marked stop sign at the intersection of Kipling Avenue North and Kirby Road;
- g) he failed to slow down and stop so as to avoid the collision with the Neville-Lake vehicle;
- h) he attempted to suddenly cross the path of the Neville-Lake vehicle when he knew or ought to have known it was unsafe to do so;
- i) he moved suddenly from a place of safety to a place of danger;
- j) he could and should have seen the Neville-Lake vehicle in front of him and avoided the accident but he failed to do so;
- k) he failed to yield the right-of-way to the Neville-Lake vehicle;
- l) he drove the Marel/Ayrfield vehicle directly into the path of the Neville-Lake vehicle;
- m) he failed to take any or sufficient steps to avoid striking the Neville-Lake vehicle when he knew or ought to have known that a collision was likely to occur;
- n) he was travelling at an excessive rate of speed under the circumstances;
- o) he lost control of the Marel/Ayrfield vehicle;

- p) he failed to keep a proper look out;
- q) he entered the intersection without first ascertaining that he could do so in safety;
- r) he was operating the Marel/Ayrfield vehicle without due care and attention;
- s) he did not apply his brakes properly or at all, or in the alternative, he was operating the Marel/Ayrfield vehicle with defective brakes;
- t) he could and should have seen the Neville-Lake vehicle proceeding through the intersection and avoided the accident;
- u) failed to exercise due care and skill in the management of the Marel/Ayrfield vehicle;
- v) he created and perpetuated a situation of danger from which Neriza Neville, despite all efforts and precautions on her part, was unable to extricate herself;
- w) on the occasion in question he was an incompetent driver lacking in reasonable skill and ability and ought not to have been operating the Marel/Ayrfield vehicle;
- x) he was distracted by the use of a cellular telephone, stereo or other electronic device or he was distracted by drinking, eating or smoking within the vehicle;
- y) he was suffering from a medical condition(s) at the time of the accident which he knew or should have known impaired his ability to operate a motor vehicle;

- z) he otherwise failed to operate the Marel/Ayrfield vehicle in a reasonably prudent manner or to take the precautions of a reasonable driver in his circumstances;
- aa) he operated a motor vehicle when he knew or should have known that his vision was deficient;
- bb) he failed to wear proper, or any, corrective lenses that he required in order to operate the Marel/Ayrfield vehicle;
- cc) he failed to have his eyes checked on a regular basis by an appropriate professional;
- dd) he operated a motor vehicle which he knew or should have known was defective.
- ee) such further and other particulars as might become evidence on Examination for Discovery

B) AS TO THE NEGLIGENCE OF THE DEFENDANTS, MAREL CONTRACTORS AND AYRFIELD HOLDINGS LIMITED, OR EITHER OF THEM:

- ff) they allowed the Marel/Ayrfield vehicle to be operated by a driver who lacked reasonable care, skill, ability and training and who ought not to have been operating the said motor vehicle on the occasion in question;
- gg) they failed to take appropriate steps to ensure that the Defendant Muzzo followed the rules of the highway;

- hh) they permitted a mechanically defective motor vehicle to be operated on a public roadway;
- ii) they permitted the Defendant, Muzzo to operate the Marel/Ayrfield vehicle when they knew or ought to have known that he was an incompetent driver lacking any reasonable skill and self-command;
- jj) they permitted the Defendant Muzzo to operate the Marel/Ayrfield vehicle on the occasion in question when they knew or ought to have known that his ability to do so was impaired by the use of alcohol, drugs, illness, fatigue or a combination thereof;
- kk) they failed to have or maintain the Marel/Ayrfield vehicle in a proper state of mechanical repair suitable for safe use thereof on a highway;
- ll) they failed to ensure that the brakes on the Marel/Ayrfield vehicle were in a proper working order;
- mm) they failed to have the Marel/Ayrfield vehicle inspected for defects on a regular basis or ever;

nn) they permitted the Defendant Muzzo to operate the Marel/Ayrfield vehicle when it knew or ought to have known that the Marel/Ayrfield vehicle contained devices prohibited by the *Highway Traffic Act*.

24. Plaintiffs further plead that the Defendant Muzzo, was charged with, and pleaded guilty, to four counts of impaired driving causing death and two counts of impaired driving causing bodily harm contrary to the *Criminal Code of Canada*. The Plaintiffs rely upon these charges and resulting guilty pleas as *prima facie* proof of the negligence of the Defendants.

25. The Plaintiffs state that the Defendant, Marco Muzzo, has behaved with high-handedness and with disdain for the rights of the Plaintiffs. The Plaintiffs further state that the Defendant, Marco Muzzo, was conscious of the probable consequences of his carelessness and was indifferent or worse, to the danger of injury or death to the occupants of the Neville-Lake vehicle. As a consequence of this conduct, the Plaintiffs have suffered aggravated injuries, including injuries to their proper feelings of dignity and pride.

26. This motor vehicle accident has had a profound, significant and catastrophic irreversible impact upon the lives and well-being of all of the Plaintiffs' including:

- a) the quality of all of the Plaintiffs' lives have been, remains and will be significantly impaired,
- b) the Plaintiffs have and will continue to endure significant pain and suffering,
- c) The Plaintiffs' enjoyment of family life and recreational activities has been, remains and will be significantly impaired,

- d) The Plaintiffs have and will continue to require treatment, and
- e) The Plaintiffs' ability to earn a livelihood has been and remains extremely impaired.

These and other related matters represent an economic loss for the Plaintiffs' past, present and future.

Neriza Neville

27. As a result of the accident, Neriza Neville sustained injuries which caused permanent serious disfigurements and permanent serious impairments of important physical, mental and psychological functions, the particulars of which include but are not limited to the following:

- a) A period of loss of awareness resulting in the sequelae of a traumatic brain injury;
- b) Hemothorax
- c) Pneumothorax
- d) Fractured right clavicle
- e) Fractured sternum
- f) Fractured ribs
- g) Lacerated liver
- h) Hematoma on right adrenal gland
- i) Various bruises and hematomae from the seatbelt
- j) A mechanical injury to the muscles, ligaments and tendons of the cervical spine;
- k) A mechanical injury to the muscles, ligaments and tendons of the lumbar spine;
- l) Post Traumatic Stress Syndrome;

- m) Injury to the nervous system resulting in anxiety and severe nervousness and physical shock and loss of enjoyment of life;
- n) Dizziness
- o) Neck pain
- p) Back pain
- q) Vision difficulties
- r) Insomnia
- s) Word-finding difficulty
- t) Irritability
- u) Depression
- v) Anxiety
- w) Driving Anxiety

28. Due to the injuries sustained in the accident and the grief and despondency she has suffered as a result of the deaths of her husband and grandchildren, Neriza Neville's competitive position in the marketplace has been seriously compromised. As a result, Neriza has suffered and will continue to suffer income loss and her vocational opportunities have been limited.

29. As a further result of the negligence of the Defendants, Neriza Neville has incurred and will continue to incur expenses, including expenses for hospitalization, medication, therapy, rehabilitation, attendant care, housekeeping assistance, medical equipment, medical treatment and other out-of-pocket expenses, the full particulars of which are not known at this time.

30. As a result of the injuries sustained by Josefina Frias, Neriza Neville has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Josefina Frias for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

31. Neriza Neville has provided housekeeping, nursing and other services to Josefina Frias as a result of her injuries and she has also incurred out-of-pocket expenses on behalf of Josefina Frias, the full particulars of which will be provided prior to trial.

32. As a result of the fatal injuries sustained by Gary Neville, Neriza Neville has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Gary Neville for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

33. As a result of the fatal injuries sustained by Gary Neville, Neriza Neville has sustained a loss of services. Neriza Neville has lost the economic support and services that she would otherwise have expected to receive from the deceased Gary Neville.

34. As a result of the fatal injuries sustained by Daniel Neville-Lake, Neriza Neville has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Daniel Neville-Lake for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

35. As a result of the fatal injuries sustained by Harrison Neville-Lake, Neriza Neville has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she

might otherwise reasonably have expected to receive from Harrison Neville-Lake for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

36. As a result of the fatal injuries sustained by Milagros Neville-Lake, Neriza Neville has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Milagros Neville-Lake for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

Jennifer Neville-Lake

37. As a result of the negligence of the Defendants, and the resulting deaths of her father and children, and the grief and despondency she has suffered, Jennifer Neville-Lake has incurred and will continue to incur expenses, including expenses for hospitalization, medication, therapy, rehabilitation, attendant care, housekeeping assistance, medical equipment, medical treatment and other out-of-pocket expenses, the full particulars of which are not known at this time for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

38. As a result of the negligence of the Defendants, and the resultant deaths of her father and children, and the grief and despondency she has suffered, Jennifer Neville-Lake has lost income, and will continue to lose income into the future for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

39. As a result of the injuries sustained by Josefina Frias, Jennifer Neville-Lake has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she

might otherwise reasonably have expected to receive from Josefina Frias for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

40. Jennifer Neville-Lake has provided housekeeping, nursing and other services to Josefina Frias as a result of her injuries and she has also incurred out-of-pocket expenses on behalf of Josefina Frias, the full particulars of which will be provided prior to trial.

41. As a result of the injuries sustained by Neriza Neville, Jennifer Neville-Lake has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Neriza Neville for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

42. Jennifer Neville-Lake has provided housekeeping, nursing and other services to Neriza Neville as a result of her injuries and she has also incurred out-of-pocket expenses on behalf of Neriza Neville, the full particulars of which will be provided prior to trial.

43. As a result of the fatal injuries sustained by Gary Neville, Jennifer Neville-Lake has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Gary Neville for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

44. As a result of the fatal injuries sustained by Gary Neville, Jennifer Neville-Lake has sustained a loss of services. Jennifer Neville-Lake has lost the economic support and services that she would otherwise have expected to receive from the deceased Gary Neville.

45. As a result of the fatal injuries sustained by Daniel Neville-Lake, Jennifer Neville-Lake has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Daniel Neville-Lake for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

46. As a result of the fatal injuries sustained by Harrison Neville-Lake, Jennifer Neville-Lake has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Harrison Neville-Lake for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

47. As a result of the fatal injuries sustained by Milagros Neville-Lake, Jennifer Neville-Lake has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Milagros Neville-Lake for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

48. Following the accident, Jennifer Neville-Lake was transported to the Hospital for Sick Children by the police where she saw Milagros and Harrison Neville-Lake on life support and take their last breaths. As a result of the collision and the circumstances surrounding the collision and the manner of her children's deaths, Jennifer Neville-Lake has suffered from nervous shock, anxiety, depression and psychological and emotional trauma.

49. As a result of the nervous shock injury, and the grief and despondency she has suffered and will continue to suffer as a result of the deaths of all of her children and her father, Jennifer Neville-Lake has incurred and will continue to incur expenses, including expenses for hospitalization, medication, therapy, rehabilitation, attendant care, housekeeping assistance, medical equipment, medical treatment and other out-of-pocket expenses, the full particulars of which are not known at this time.

50. As a result of the nervous shock injury, and the grief and despondency she has suffered and will continue to suffer as a result of the deaths of all of her children and her father, Jennifer Neville-Lake has lost income, and will continue to lose income into the future.

Edward Lake

51. As a result of the negligence of the Defendants, and the death of his children, and the grief and despondency he has suffered, Edward Lake has incurred and will continue to incur expenses, including expenses for hospitalization, medication, therapy, rehabilitation, attendant care, housekeeping assistance, medical equipment, medical treatment and other out-of-pocket expenses, the full particulars of which are not known at this time for which he seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

52. As a result of the negligence of the Defendants, and the death of his children, and the grief and despondency he has suffered, Edward Lake has lost income, and will continue to lose income into the future for which he seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

53. As a result of the fatal injuries sustained by Daniel Neville-Lake, Edward Lake has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Daniel Neville-Lake for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

54. As a result of the fatal injuries sustained by Harrison Neville-Lake, Edward Lake has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Harrison Neville-Lake for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

55. As a result of the fatal injuries sustained by Milagros Neville-Lake, Edward Lake has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Milagros Neville-Lake for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

56. Following the accident, Edward Lake was transported to the Hospital for Sick Children by the police where he saw Milagros and Harrison Neville-Lake on life support and take their last breaths. As a result of the collision and the circumstances surrounding the collision and the manner of his children's deaths, Edward Lake has suffered from nervous shock, anxiety, depression and psychological and emotional trauma.

57. As a result of the nervous shock injury, and the grief and despondency he has suffered and will continue to suffer as a result of the deaths of all of his children Edward Lake has incurred and will continue to incur expenses, including expenses for hospitalization, medication, therapy,

rehabilitation, attendant care, housekeeping assistance, medical equipment, medical treatment and other out-of-pocket expenses, the full particulars of which are not known at this time.

58. As a result of the nervous shock injury, and the grief and despondency he has suffered and will continue to suffer as a result of the deaths of all of his children Edward Lake has lost income, and will continue to lose income into the future.

Jonathan Neville

59. As a result of the negligence of the Defendants, and the death of his father, and the grief and despondency he has suffered, Jonathan Neville has incurred and will continue to incur expenses, including expenses for hospitalization, medication, therapy, rehabilitation, attendant care, housekeeping assistance, medical equipment, medical treatment and other out-of-pocket expenses, the full particulars of which are not known at this time for which he seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

60. As a result of the negligence of the Defendants, and the death of his father and the grief and despondency he has suffered, Jonathan Neville has lost income, and will continue to lose income into the future for which he seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

61. As a result of the injuries sustained by Josefina Frias, Jonathan Neville has been deprived of the benefit of support, care, service, comfort, guidance and companionship that he might otherwise

reasonably have expected to receive from Josefina Frias for which he seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

62. Jonathan Neville has provided housekeeping, nursing and other services to Josefina Frias as a result of her injuries and he has also incurred out-of-pocket expenses on behalf of Josefina Frias, the full particulars of which will be provided prior to trial.

63. As a result of the injuries sustained by Neriza Neville, Jonathan Neville has been deprived of the benefit of support, care, service, comfort, guidance and companionship that he might otherwise reasonably have expected to receive from Neriza Neville for which he seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

64. Jonathan Neville has provided housekeeping, nursing and other services to Neriza Neville as a result of her injuries and he has also incurred out-of-pocket expenses on behalf of Neriza Neville, the full particulars of which will be provided prior to trial.

65. As a result of the fatal injuries sustained by Gary Neville, Jonathan Neville has been deprived of the benefit of support, care, service, comfort, guidance and companionship that he might otherwise reasonably have expected to receive from Gary Neville for which he seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

66. As a result of the fatal injuries sustained by Gary Neville, Jonathan Neville has sustained a loss of services. Jonathan Neville has lost the economic support and services that he would otherwise have expected to receive from the deceased Gary Neville.

Josephine Neville

67. As a result of the negligence of the Defendants, and the death of her father, and the grief and despondency she has suffered, Josephine Neville has incurred and will continue to incur expenses, including expenses for hospitalization, medication, therapy, rehabilitation, attendant care, housekeeping assistance, medical equipment, medical treatment and other out-of-pocket expenses, the full particulars of which are not known at this time for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

68. As a result of the negligence of the Defendants, and the death of her father, and the grief and despondency she has suffered, Josephine Neville has lost income, and will continue to lose income into the future for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

69. As a result of the injuries sustained by Josefina Frias, Josephine Neville has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Josefina Frias for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

70. Josephine Neville has provided housekeeping, nursing and other services to Josefina Frias as a result of her injuries and she has also incurred out-of-pocket expenses on behalf of Josefina Frias, the full particulars of which will be provided prior to trial.

71. As a result of the injuries sustained by Neriza Neville, Josephine Neville has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might

otherwise reasonably have expected to receive from Neriza Neville for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

72. Josephine Neville has provided housekeeping, nursing and other services to Neriza Neville as a result of her injuries and she has also incurred out-of-pocket expenses on behalf of Neriza Neville, the full particulars of which will be provided prior to trial.

73. As a result of the fatal injuries sustained by Gary Neville, Josephine Neville has been deprived of the benefit of support, care, service, comfort, guidance and companionship that she might otherwise reasonably have expected to receive from Gary Neville for which she seeks damages pursuant to the provisions of the *Family Law Act* R.S.O. 1990, c. F. 3, as amended.

74. As a result of the fatal injuries sustained by Gary Neville, Josephine Neville has sustained a loss of services. Josephine Neville has lost the economic support and services that she would otherwise have expected to receive from the deceased Gary Neville.

Punitive Damages

75. As a result of the conduct hereinbefore pleaded, the Plaintiffs plead that they are entitled a claim for punitive damages arising out of the high-handed, egregious, outrageous and illegal conduct of the Defendant Marco Muzzo, in respect of which the Plaintiffs are each entitled to a substantial award for punitive damages.

Aggravated Damages

76. In addition to the egregious and illegal nature and character of the conduct of the defendant hereinbefore pleaded, the unique and tragic results of the negligent conduct of the Defendant,

Marco Muzzo, resulted, effectively, in the loss of the entire family of Jennifer Neville-Lake and Edward Lake and as a result thereof, justify the award of substantial aggravated damages either directly as a result of their claim for nervous shock, or alternatively, as Plaintiffs under the *Family Law Act*.

77. In addition to the damages hereinbefore pleaded, and as a result of the unique facts and circumstances surrounding the accident forming the subject matter of the within action and its profound sequelae, the Plaintiffs, Neriza Neville, Jonathan Neville and Josephine Neville are also entitled to claims for aggravated damages under the provisions of the *Family Law Act*.

78. The Plaintiffs plead and rely upon the provisions of the *Highway Traffic Act*, R.S.O 1990, c. H.8, as amended, *The Insurance Act*, R.S.O. 1990, c. I.8, as amended, the *Victims' Bill of Rights*, 1995 S.O. c. 6, as amended and *The Family Law Act*, R.S.O. c.F.3, as amended.

Date: April 7, 2016

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NERIZA NEVILLE et al.
Plaintiffs

-and- MARCO MUZZO et al.
Defendants

Court File No. CU-16-126323-00

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SUPERIOR COURT OF JUSTICE
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NEWMARKET

STATEMENT OF CLAIM

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