

ONTARIO  
SUPERIOR COURT OF JUSTICE

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BETWEEN:

ANUPAM DHAR

Plaintiff

- and -

KENNETH McGUINNESS  
McGUINNESS INTERNATIONAL INC.  
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

Defendants

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**TRIAL RECORD**

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NAINESH KOTAK  
Barrister & Solicitor  
120 Traders Blvd., Suite 120  
Mississauga, ON L4Z 2H7

Tel. (905) 755-8900  
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LSUC No. 35528F  
Solicitor for the Plaintiff

TO: Smockum Zarnett Pervical LLP  
Barristers  
150 York Street, Suite 700  
Toronto, ON M5H 3SH

Mr. D. Keith Smockum  
(416) 868-2308  
(416) 862-2793

Solicitor for the Defendants,  
Kenneth McGuinness  
McGuinness International Inc.

January 10, 2017

- D. MacDonell  
+ S. Birman for P1

- K. Smolkin +  
R. Betts

for  
P2 and P3

On consent the trial date of  
February 13, 2017 is vacated.  
The Court on  
February 1, 2017 to fix a new trial date.  
Further detail before me if possible.

Firestone J.

Trial date of Jan 14, 2019,  
fixed for 19 days.  
P/7 date Nov 16, 2018.  
Further P/7 before me if  
possible.

Firestone J.

Plaintiff's action settled

24 JANUARY 2019

Judgment to issue as against the defendant Kenneth  
McGuinness and McGuinness International Inc in  
accordance with the verdict of the jury.



DG STINSON J.

EX 6

Court File No.: CV-10-408146

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SUPERIOR COURT OF JUSTICE**

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**ANUPAM DHAR**

**Plaintiff**

- and -

**KENNETH McGUINNESS,  
McGUINNESS INTERNATIONAL INC., and  
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY**

**Defendants**

**JURY QUESTIONS**

**QUESTION 1:**

Was there any negligence on the part of the defendant, KENNETH McGUINNESS/McGUINNESS INTERNATIONAL INC., which caused or contributed to the motor vehicle accident on August 29, 2008?

YES

NO

**QUESTION 2:**

If you answered "YES" to Question 1, then state fully the particulars of the negligence of KENNETH McGUINNESS/McGUINNESS INTERNATIONAL INC:

Mr. McGuinness was insufficiently attentive as  
he approached and proceeded through the intersection  
of Matheson Blvd. and Explorer Dr.

**QUESTION 3:**

Was there any negligence on the part of the unidentified driver that caused or contributed to the motor vehicle accident on August 29, 2008?

YES

NO

**QUESTION 4:**

If you answered "YES" to Question 3, then state fully the particulars of the negligence of the unidentified driver:

The unidentified driver was negligent in that he entered the roadway on Matheson Ave unsafely, impeding the path of Mr. McGuinness, who had the right-of-way.

**QUESTION 5:**

What degree of negligence, if any, do you attribute to the parties?

KENNETH McGUINNESS/  
McGUINNESS INTERNATIONAL INC.:

10 %

UNIDENTIFIED DRIVER:

90 %

TOTAL: 100%

Date: 24/1/19

Signature of Foreperson: 