

CV190082161000
Court File No.:



**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**XIANGJUN CAI, HAIFAN CHEN, HAIYUN CHEN, MIN GU, RENLIE LYU,
GUOHUA WANG, MIN WANG, JINMIN XU, LINGZHEN WANG, GENXING YU,
XI ZHU, JIANPING YE, GUIYUN CHANG, YUXIAN LU, QIFANG HU,
PINGRONG SUN, ZUYAO ZHENG, XUEMEI ZHOU, WENCUN DING,
GUIYING XU, ZHAODI CHEN, JINFENG HOU AND LONGMEI LIU**

AND

**WANLI WANG, CHENGXIAN WANG, ZEYANG WANG, HUIMIN SUN,
HANXIAO MAO, JIN ZHU, ZHONGDE CHEN, WEIHUA YU, FANGLIANG LYU,
JI JIANG, ZHAOQING YU, RUI LIU, QIHONG ZHANG, QILONG HU,
GUOLIANG XIA AND YUXIAN HU**

Plaintiffs

- and -

**JIA QI, UNION TOUR EXPRESS INC., CRUICKSHANK CONSTRUCTION
LIMITED, COCO PAVING, HER MAJESTY THE QUEEN IN RIGHT OF
ONTARIO, REPRESENTED BY THE MINISTER OF TRANSPORTATION FOR
THE PROVINCE OF ONTARIO**

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANT (s)

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiffs. The 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 court, 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 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 Intent to Defend in Form 18B prescribed by the rules of court. This will entitle you to ten more days within which to serve and file your Statement of Defence.

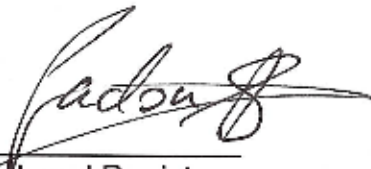
IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$ for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the Plaintiff's claim and \$400 for costs and have the costs assessed by the court.

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

ISSUE DATE: DEC 04 2019

Issued by


Local Registrar

Address of court office:
161 Elgin Street
Ottawa, Ontario
K2P 2K1

TO:

JIA QI
Union Tour Express Inc.
29 Kearney Road
Needham, Massachusetts
United States of America
02494

AND TO:

UNION TOUR EXPRESS INC.
23-54 130 Street 2fl
College Point, New York
11356

AND TO:

CRUICKSHANK CONSTRUCTION LIMITED
12520 Stormont, Dundas and Glengarry County Road 2
Morrisburg, ON
K0C 1X0

AND TO:

COCO PAVING CANADA INC.
994 Moodie Drive
Nepean, Ontario
K2R 1H4

AND TO:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, REPRESENTED BY
THE MINISTER OF TRANSPORTATION FOR THE PROVINCE OF ONTARIO
777 Bay Street, 8th floor
Toronto, Ontario
M7A 1Z8

CLAIM

1. THE PLAINTIFFS CLAIM:

- (a) damages in the sum of \$500,000,000.00;
- (b) indemnification to the Ontario Hospital Insurance Plan (OHIP) for all expenses past and future relating to treatment;
- (c) pre-judgment interest pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C.43, s.128;
- (d) post-judgment interest pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, s. 129;
- (e) costs of this action together with applicable Goods and Services Tax payable pursuant to the provisions of the *Excise Tax Act*, R.S.C. 1985, c. E-15, as amended; and
- (f) such further and other relief as this Honourable Court deems just and expedient in the circumstances.

2. THE FAMILY LAW ACT PLAINTIFFS, WHO BRING THEIR CLAIMS PURSUANT TO THE PROVISIONS OF THE *FAMILY LAW ACT*, R.S.O. 1990, C. F.3, AS AMENDED (HEREINAFTER REFERRED TO AS THE "*FAMILY LAW ACT*"), CLAIM:

- (a) damages pursuant to the *Family Law Act*;
- (b) pre-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (c) costs of this action together with applicable Goods and Services Tax payable pursuant to the provisions of the *Excise Tax Act*, R.S.C. 1985, c. E-15, as amended; and

(d) such further and other relief as this Honourable Court deems just and expedient in the circumstances.

THE PARTIES

3. The Plaintiffs, Xiangjun Cai, Haifan Chen, Haiyun Chen, Min Gu, Renlie Lyu, Guohua Wang, Min Wang, Jinmin Xu, Lingzhen Wang, Genxing Yu, Xi Zhu, Jianping Ye, Guiyun Chang, Yuxian Lu, Qifang Hu, Pingrong Sun, Zuyao Zheng, Xuemei Zhou, Wencun Ding, Guiying Xu, Zhaodi Chen, Jinfeng Hou, and Longmei Liu are residents of the Peoples Republic of China. At the time of the collision, they were traveling in Canada for leisure. All the above-mentioned Plaintiffs were the passengers of a motor-coach owned and operated by Union Tour Express Inc.

4. The following Plaintiffs bring their claim pursuant to the provisions of the *Family Law Act*.

- (a) Wanli Wang and Chengxian Wang are the daughter and husband of the Plaintiff Min Gu;
- (b) Zeyang Wang is the son of the Plaintiffs Jinmin Xu and Guohua Wang;
- (c) Huimin Sun is the brother of the Plaintiff Pingrong Sun;
- (d) Hanxiao Mao and Jin Zhu are the son and daughter of the Plaintiffs Xi Zhu and Jinfeng Hou;
- (e) Zhongde Chen is the son of the Plaintiffs Min Wang and Haifan Chen;
- (f) Weihua Yu is the son of the Plaintiff Genxing Yu;
- (g) Fangliang Lyu is the daughter of the Plaintiff Renlie Lyu;
- (h) Ji Jiang is the husband of the Plaintiff Yuxian Lu;

- (i) Zhaoqing Yu is the son of the Plaintiff Xiangjun Cai;
- (j) Rui Liu is the son of the Plaintiff Guiyun Chang;
- (k) Qihong Zhang is the daughter of the Plaintiff Haiyun Chen;
- (l) Qilong Hu and Guoliang Xia are the husband and mother of the Plaintiff Jianping Ye;
- (m) Yuxian Hu is the husband of the Plaintiff, Guiying Xu.

5. The first Defendant, Jia Qi, was the driver of the Union Tour Express motor-coach with the Massachusetts license plate 96319, at the time of the subject collision. He was at all material times an employee of the Defendant Union Tour Express Inc.

6. The second Defendant, Union Tour Express Inc., was the owner of the Union Tour motor-coach and employer of the Defendant, Jia Qi. Union Tour Express is an NYS Department of State domestic business corporation (DCS ID Number 4044059) which also carries out business as a foreign corporation in the State of Massachusetts (under ID Number 001202421). Union Tour Express carries on business in Ontario as Tour Operators and Promoters.

7. The third Defendant, Cruickshank Construction Limited (Registry ID 1996212), was at all material times a construction contractor engaged in work on Highway 401, between Edward St (County Road 18) to Maitland Road (County Road 15) near Prescott. Cruickshank Construction Limited (hereafter "Cruickshank") is an Ontario Business Corporation specializing in road

construction and infrastructure contracting. Cruickshank carries on business in Ontario, categorized under highway, street, and bridge construction.

8. The fourth Defendant, Coco Paving Canada Inc., (hereafter "Coco Paving") was at all material times a construction contractor engaged in work on Highway 401 between Edward St (County Road 18) to Maitland Road (County Road 15) near Prescott. Coco Paving Canada Inc. is a corporation incorporated under the *Canada Business Corporations Act*, R.S.C., 1985, c. C-44, and is in the business of road construction.

9. At all material times, Cruickshank and Coco Paving were performing work under contract to Her Majesty.

10. The fifth Defendant, her Majesty the Queen in right of Ontario as represented by the Ministry of Transportation ("hereinafter her Majesty"), is a provincial ministry of the Government of Ontario. At all material times, her Majesty owed a duty to take such care as in all circumstances of the case was reasonable to see that persons while traveling on Highway 401 were reasonably safe. Her Majesty is responsible for transport infrastructure and management and direction of all matters relating to construction, repair, and maintenance of the Ontario highways as required by Section 33 of the *Public Transportation and Highway Improvement Act*, R.S.O. 1990, c. P.50.

THE COLLISION

11. On June 4, 2018, the Plaintiffs were passengers of the Union Tour Express motor-coach (hereafter "the motor-coach") and were traveling to Toronto as part of their 10-day tour of the eastern United States and Canada. The bus was carrying 37 people – 35 Chinese citizens (34 tourists and one tour guide), an American driver and an American tour guide. The motor-coach was proceeding in a southwesterly direction on Highway 401 between Edward St (County Road 18) to Maitland Road (County Road 15) near Prescott, Ontario at approximately 3:20 p.m.

12. There was ongoing construction in the area, causing a lane width reduction. The collision occurred when the motor-coach was proceeding at high speed in the right lane. The motor-coach left the traveled portion of the Highway and collided with a rocky embankment. Prior to coming to a complete stop, the motor-coach scraped along the rock face causing extensive damage to the right side of the bus and severe injuries to its occupants. The geographic coordinate of the incident location is approximately 44° 42' 35.64" N, 75° 33' 30.6" W.

13. ORNGE air ambulances and local ground ambulances were called to the scene of the collision. Seven of the passengers were taken to the Kemptville District Hospital; twenty were taken to the Queensway Carleton Hospital, of whom two were transferred to The Ottawa Hospital for further care; and five passengers were taken to the Brockville General Hospital, of whom three were transferred to the Kingston General Hospital for specialized care. Three passengers of the bus succumbed to their injuries and passed away.

ALLEGATIONS OF NEGLIGENCE

14. The Plaintiffs claim that the collision mentioned above and the resulting injuries and losses were caused as a result of the negligence of the Defendants, the particulars of which negligence include, but are not limited to, the following:

A. AS TO THE NEGLIGENCE OF THE DEFENDANT, JIA QI:

- (a) On occasion in question, he was an incompetent driver lacking in reasonable skill and self-command and ought not to have attempted to operate a motor-coach;
- (b) He failed to have the brakes on the motor-coach in proper working order or, in the alternative, he failed to apply them properly or at all;
- (c) He was driving the motor-coach in a manner that was dangerous to the public and his passengers;
- (d) He was traveling at an excessive rate of speed considering the circumstances and as such he could not control his motor-coach within his range of vision;
- (e) He failed to keep a proper lookout and was distracted;
- (f) He failed to respond appropriately to the road construction;
- (g) He failed to take any sufficient, and/or timely evasive manoeuvres so as to avoid and/or prevent the collision;
- (h) He failed to take reasonable care to avoid an collision which he saw or should have seen was likely to occur;
- (i) He failed to exercise due care and skill in the management of his motor-coach;

- (j) He placed the passengers in a situation of emergency and/or danger from which despite all precautions, they could not extricate themselves;
- (k) He failed to observe the Rules of the Road as required by Parts IX and X of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended;
- (l) He had the last clear chance to avoid the collision and failed to avail himself of this chance;
- (m) He failed to have the motor-coach in a fit and proper condition, suitable for its safe operation upon a highway;
- (n) He failed to have the brakes, steering mechanism, lights and/or other equipment on the motor-coach in proper working order;
- (o) He was distracted at the time of the collision as he was dialing and/or talking on a cell phone while driving and could have and should have avoided the collision;
- (p) He was distracted at the time of the collision as he was transmitting, receiving and/or reading text messages or other data transmissions while driving and could have and should have avoided the collision;
- (q) His attention was distracted by his GPS device just before the collision and at the time of the collision;
- (r) At the time, his faculties of observation, perception, judgment, and self-control were impaired and due to his physical and mental condition, he was incompetent to operate a motor-vehicle with normal and reasonable care;
- (s) He failed to utilize appropriate eyewear when it was reasonable to do so under the circumstances; and

- (t) He permitted himself to arrive at such a condition from drinking alcoholic beverages, or absorbing drugs, or from suffering with fatigue, such that his normal faculties, apperception, will and judgment were so affected that he no longer had the capacity to operate a motor-coach with the cautious characteristic of a reasonably careful driver who has not consumed such beverages or absorbed such drugs or suffered with fatigue.

B. AS TO THE NEGLIGENCE OF THE DEFENDANT, UNION TOUR EXPRESS INC.:

As the owner of the Motorcoach and the employer of its driver, the Defendant, Union Tour Express Inc., is held liable for the actions and negligence of the Defendant, Jia Qi, and is further liable for the following reasons:

- (a) This Defendant permitted Jia Qi to operate their motor-coach when it knew or ought to have known that under the circumstances, he was an incompetent driver lacking in reasonable skill and self-command who ought not to have attempted to operate the motor-vehicle;
- (b) This Defendant failed to provide adequate training and supervision of Jia Qi in the safe operation of the motor-vehicle;
- (c) This Defendant entrusted Jia Qi when it knew or ought to have known that at the material time, he was incapable of operating it with due care and attention;
- (d) This Defendant permitted its motor-coach to be operated when it knew or ought to have known its vehicle is not in a fit and proper mechanical condition;

- (e) This Defendant failed to have the brakes, steering mechanism and/or other mechanic and safety equipment on its motor-coach in proper working order;
- (f) This Defendant permitted Jia Qi to be a driver when it knew or ought to have known that he was not fit and competent and lacked the necessary qualifications for the said duties.

C. AS TO THE NEGLIGENCE OF THE DEFENDANTS, CRUICKSHANK CONSTRUCTION LIMITED AND COCO PAVING CANADA INC.

- (a) These Defendants ignored the reasonably foreseeable danger of the construction work and hazardous condition of the highway, when they had, or ought to have had, knowledge of the hazardous conditions of the highway;
- (b) These Defendants failed to implement adequate channelizing devices installed adjacent to the lane reduction/route deviation to visually reinforce the proper path for the driver to follow through the construction site on Highway 401 at the scene of the collision;
- (c) These Defendants failed to implement proper warning signs, pavement markings, and channelizing devices used on the approach to the lane width reduction/route deviation;
- (d) These Defendants did not make the necessary effort to warn road users of the lane width reduction/route deviation and guide them around it;
- (e) These Defendants failed to reinstall the rumble strips along the roadway to alert road users deviating from the travel lanes;
- (f) These Defendants failed to adequately provide a surface that in all the circumstances would be reasonably safe for users of the road;

- (g) These Defendants failed to ensure that their agents, servants, contractors, and employees had received and undertaken the necessary training to properly inspect and/or maintain the highway;
- (h) These Defendants failed to conduct adequate road inspection for the duration of the temporary conditions;
- (i) These Defendants failed to ensure that their agents, servants, contractors and employees possessed the experience and reasonable skill and judgment required of an individual and/or entity carrying out its duties with respect to the highway;
- (j) These Defendants failed to maintain accurate maintenance and/or inspection records with respect to the highway, or in the alternative, they failed to maintain any records at all;
- (k) These Defendants failed to ensure that their agents, servants, contractors and employees were properly licensed to inspect and/or maintain the highway;
- (l) These Defendants failed to hire, screen, train, monitor and/or supervise their agents, servants, contractors and employees with respect to the following reasonably safe inspection and/or maintenance standards and procedures with respect to the highway.

D. AS TO THE NEGLIGENCE OF THE DEFENDANT, HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, REPRESENTED BY THE MINISTRY OF TRANSPORTATION:

- (a) The Defendant knew or ought to have known that Highway 401 between Edward St (County Road 18) to Maitland Road (County Road 15) near Prescott, was unsafe and unfit for use by reasonable and prudent

motorists and has been the scene of many major motor-vehicle collisions in recent years, including fatal multi-vehicle collisions;

- (b) The Defendant failed to implement an adequate traffic control plan for the temporary conditions of the road;
- (c) The Defendant failed to implement adequate channelizing devices installed adjacent to the lane reduction/route deviation to visually reinforce the proper path for the driver to follow through the construction site;
- (d) The Defendant failed to implement proper warning signs, pavement markings, and channelizing devices used on the approach to the lane width reduction/route deviation;
- (e) The Defendant failed to reinstall the rumble strips along the roadway to alert road users deviating from the travel lanes;
- (f) The Defendant failed to adequately provide a surface that in all the circumstances would be reasonably safe for users of the road;
- (g) The Defendant failed to monitor at all or maintain an adequate schedule to monitor the conditions of the highway;
- (h) Insufficient roadway inspection was conducted during the duration of the temporary conditions;
- (i) The Defendant ignored the reasonably foreseeable danger of the construction work and hazardous condition of the highway, when they had, or ought to have had, knowledge of the hazardous conditions of the highway;
- (j) The Defendant failed to ensure that their agents, servants, contractors, and employees had received and undertaken the necessary training to properly inspect and maintain the highway;

- (k) The Defendant failed to ensure that their agents, servants, contractors, and employees possessed the experience and reasonable skill and judgment required of an individual and/or entity carrying out their duties with respect to the highway;
- (l) The Defendant failed to maintain accurate maintenance and/or inspection records with respect to the highway, or in the alternative, they failed to maintain any records at all;
- (m) The Defendant failed to ensure that their agents, servants, contractors, and employees were properly licensed to inspect and maintain the highway;
- (n) The Defendant failed to hire, screen, train, monitor and supervise their agents, servants, contractors, and employees with respect to following reasonably safe inspection and/or maintenance standards and procedures;
- (o) As a provincial ministry of the Government of Ontario, the Defendant knew or ought to have known that it was responsible for the safety of any user of the road, and was required to keep said road free and clear of obstacles which might reasonably be contemplated as posing a danger to safety and failed to carry out this duty of care; and
- (p) The Plaintiff further pleads and relies specifically upon Section 33 of the *Public Transportation and Highway Improvement Act*, and states that the Defendant failed to meet its obligations as they arise under the said Act.

DAMAGES

15. As a result of the subject collision, the Plaintiffs sustained permanent and serious injuries. The particulars of the damages include, but are not limited to, the following:

AS TO THE DAMAGES OF THE PLAINTIFF, XIANGJUN CAI:

16. The injuries sustained by Xiangjun Cai as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Depressed fracture with mild deformity of the underlying frontal lobe causing disfiguration to the right forehead;
- (b) Soft tissue damage and laceration over the right forehead;
- (c) Open wound with soft tissue hematoma over the left occipital convexity;
- (d) Marked distention of the bladder;
- (e) Calcific densities projected over the hemi thoraces bilaterally;
- (f) Minimal enthesopathy of the trochanters; and
- (g) Multilevel moderate narrowing of the cervical spine canal as well as multilevel foraminal narrowing.

17. Since the collision, Xiangjun Cai continues to suffer from:

- (a) Impaired mobility;
- (b) Disfiguration and scarring;
- (c) Dizziness;
- (d) Tinnitus in left ear;
- (e) Sensitivity to light, noise, and heat;
- (f) Decreased sense of taste and smell;
- (g) Decreased balance;
- (h) Reduced vision;
- (i) Fatigue;

- (j) Sleep disturbances with nightmares; and
- (k) Chronic pain in the head, neck, shoulders, back, and right knee.

18. Additionally, Xiangjun Cai has been diagnosed with an Acute Stress Reaction showing signs of extreme depression, severe anxiety, stress, apathy, irritability, social isolation and reduced self-esteem.

AS TO THE DAMAGES OF THE PLAINTIFF, HAIFAN CHEN:

19. The injuries sustained by Haifan Chen as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Musculoskeletal injury of the right chest.

20. Since the collision, Haifan Chen continues to suffer from:

- (a) Pain in his neck, right chest, lower back, both knees, shoulders and thighs;
- (b) Dizziness;
- (c) Reduced vision;
- (d) Sensitivity to light and noise;
- (e) Fatigue;
- (f) Numbness;
- (g) Weakness; and
- (h) Sleep problems.

21. Further, Haifan Chen has been experiencing cognitive, psychological and emotional disturbances, which include, but are not limited to:

- (a) Decreased ability to concentrate;
- (b) Impaired memory, word-finding and reading ability;
- (c) Difficulty making decisions;
- (d) Slow thought processing;
- (e) Reduced self-esteem;

- (f) Apathy;
- (g) Loneliness;
- (h) Increased irritability and anger;
- (i) Flashback and nightmares;
- (j) Symptoms of severe depression; and
- (k) Severe anxiety.

AS TO THE DAMAGES OF THE PLAINTIFF, HAIYUN CHEN:

22. The injuries sustained by Haiyun Chen as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Contusion of her thorax; and
- (b) Episode of hematuria.

23. Since the collision, Haiyun Chen continues to suffer from:

- (a) Constant pain in her right chest, mid and lower back pain, left hip and right upper arm pain;
- (b) Dizziness;
- (c) Tinnitus;
- (d) Decreased hearing in the right ear;
- (e) Changed eating habits;
- (f) Fatigue;
- (g) Weakness;
- (h) Sleep disturbances;
- (i) Sensitivity to noise and light; and
- (j) Reduced vision.

24. Further, Haiyun Chen is experiencing cognitive, psychological and emotional disturbances, which include, but are not limited to:

- (a) Decreased ability to concentrate;
- (b) Impaired memory;
- (c) Impaired speech;

- (d) Slow thought processing;
- (e) Loneliness;
- (f) Apathy;
- (g) Increased Irritability;
- (h) Flashbacks and nightmares;
- (i) PTSD symptoms;
- (j) Signs of extreme depression; and
- (k) Severe anxiety.

AS TO THE DAMAGES OF THE PLAINTIFF, MIN GU:

25. The injuries sustained by Min Gu as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Traumatic right-sided acute extradural hematoma;
- (b) Open depressed skull fracture; and
- (c) Hepatic lesion.

26. Since the collision, Min Gu continues to suffer from:

- (a) Impaired mobility, impaired coordination of arms or legs;
- (b) Constant headaches;
- (c) Tinnitus;
- (d) Frequent dizziness;
- (e) Constant nausea;
- (f) Fainting or blackouts;
- (g) Sensitivity to noise, light, and cold;
- (h) Decreased sense of taste;
- (i) Fatigue;
- (j) Blurred vision;
- (k) Numbness on her skull;
- (l) Weakness;
- (m) Reduced grip strength on left hand;
- (n) Sleep problems; and

(o) Constipation and incontinence.

27. Further, Min Gu is experiencing cognitive, psychological, and emotional disturbances, which include, but are not limited to:

- (a) PTSD;
- (b) Difficulty speaking;
- (c) Decreased ability to concentrate;
- (d) Impaired long-term memory;
- (e) Confusion;
- (f) Slow thought processing;
- (g) Impaired ability to read and write;
- (h) Flashbacks and nightmares;
- (i) Apathy;
- (j) Hearing voices;
- (k) Low self-esteem;
- (l) Depression; and
- (m) Anxiety.

AS TO THE DAMAGES OF THE PLAINTIFF, RENLIE LYU:

28. The injuries sustained by Renlie Lyu as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Open head wounds;
- (b) Contusion of the thorax; and
- (c) Torus and prominent descending thoracic aorta.

29. As a result of the brain injury, Renlie Lyu is suffering from:

- (a) Cortical and Cerebellar atrophy;
- (b) Microangiopathy;
- (c) Impaired mobility;
- (d) Reduced balance;
- (e) Pain in the neck, head, chest, calves and knees bilaterally;

- (f) Dizziness;
- (g) Decreased hearing from fluid in the ear;
- (h) Constant difficulty breathing;
- (i) Impaired vision;
- (j) Sensitivity to light, noise and temperature;
- (k) Weakness in muscles; and
- (l) Fatigue and sleep disturbances.

30. Additionally, Renlie Lyu is experiencing cognitive, psychological and emotional disturbances, including, but not limited to:

- (a) Signs of severe anxiety and severe depression;
- (b) Decreased ability to concentrate;
- (c) Impaired memory;
- (d) Impaired word-finding and ability to understand words or instructions;
- (e) Impaired reading ability;
- (f) Difficulties with following a conversation;
- (g) Difficulty making decisions;
- (h) Slow thought processing;
- (i) Difficulty with doing arithmetic;
- (j) Difficulty with organization;
- (k) Confusion and distractibility;
- (l) Poor insight into deficits;
- (m) Social isolation;
- (n) Feelings of loneliness;
- (o) Uncertainty about the future;
- (p) Apathy;
- (q) Low self-esteem;
- (r) Increased irritability; and
- (s) Nightmares and flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, GUOHUA WANG:

31. The injuries sustained by Guohua Wang as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Compression fracture of T11 vertebral body;
- (b) Mild degree compression fracture of T10 and T12, with minimal retropulsion of T11;
- (c) Deformity of the spinal canal and cord;
- (d) Eight right rib fracture;
- (e) Mild blunting of the right lateral and posterior costophrenic angle; and
- (f) T7, T8, T9, T10 disc bulges causing mild-to-moderate spinal stenosis.

32. Since the collision, Guohua Wang continues to suffer from:

- (a) C5-C6 degenerative disc changes, with decreased intervertebral disc space C5-C6;
- (b) C2-C3 moderate right neural foraminal stenosis due to facet joint OA and right lateral osteophyte;
- (c) Pseudo anterolisthesis C2-C3, C3-C4, C5-C6;
- (d) C3-C4 Mild spinal stenosis due to osteophyte disc and mild neural foraminal stenosis;
- (e) C4-C5 moderate spinal stenosis due to large osteophyte disc, left and right neural foraminal stenosis;
- (f) C5-C6 moderate to severe spinal canal stenosis due to large osteophyte disc, moderate to severe bilateral neural foraminal stenosis;
- (g) C5-C6 reduced the anteroposterior diameter of the spinal cord with possible hyperintense T2 signal;
- (h) C6-C7 mild spinal stenosis due to osteophyte disc, with moderate bilateral foraminal stenosis;
- (i) C7-T1 mild right neural foraminal stenosis and borderline narrow spinal canal due to osteophyte disc;

- (j) T7-T8, T8-T9, and T9-T10 all showing mild disc bulges without cord compression;
- (k) T10-T11 mild spinal stenosis due to global disc bulge and bilateral facet joint OA;
- (l) T11-T12 moderate spinal canal stenosis due to compression fracture of T11 with retropulsion;
- (m) T12-L1 borderline narrow spinal canal due to mild right-lateralized disc bulge;
- (n) Pain in the neck, left shoulder, trunk and back;
- (o) Decreased mobility;
- (p) Numbness in the left shoulder and in both hands;
- (q) Impaired balance;
- (r) Decreased hearing; and
- (s) Fatigue and sleep disturbances.

33. Moreover, Guohua Wang is experiencing cognitive, psychological and emotional disturbances, including, but not limited to:

- (a) Impaired attention and memory;
- (b) Decreased ability to concentrate;
- (c) Depression;
- (d) Anxiety;
- (e) Social isolation;
- (f) Feeling uncertain about the future;
- (g) Apathy;
- (h) Increased irritability and impatience;
- (i) Stress;
- (j) Change of eating habits; and
- (k) Nightmares and flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, MIN WANG:

34. The injuries sustained by Min Wang as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Blunt chest trauma; and
- (b) Soft tissue injuries.

35. Since the collision, Min Wang is suffering from:

- (a) Pain in the right flank, wrist, knee, and hip;
- (b) Headaches;
- (c) Recurring mouth sores;
- (d) Dizziness;
- (e) Difficulty breathing; and
- (f) Fatigue and sleep disturbances.

36. Moreover, Min Wang is experiencing cognitive, psychological and emotional disturbances, including, but not limited to:

- (a) Impaired ability to concentrate;
- (b) Impaired short-term memory;
- (c) Slow thought processing and difficulty making decisions;
- (d) Changed eating habits;
- (e) Severe depression;
- (f) Extreme Anxiety;
- (g) Severe anger;
- (h) Loneliness;
- (i) Apathy;
- (j) Increased irritability;
- (k) Reduced sense of self; and
- (l) Nightmares and flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, JINMIN XU:

37. The injuries sustained by Jinmin Xu as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Left metatarsal fracture;
- (b) Abrasion to the left lower lip
- (c) Right tibia mid-shaft hematoma; and
- (d) Damage to teeth on the front lower jaw.

38. Since the collision, Jinmin Xu is suffering from:

- (a) Pain and limited range of motion in left shoulder and elbow;
- (b) Impaired mobility and gait issues;
- (c) Inability to chew due to wiggly teeth;
- (d) Headaches;
- (e) Tinnitus and decreased hearing;
- (f) Dizziness and giddiness;
- (g) Sensitivity to noise;
- (h) Cervicalgia;
- (i) Pain in the lumbar spine; and
- (j) Fatigue and sleep disturbances.

39. Additionally, Jinmin Xu is experiencing cognitive, psychological and emotional disturbances, including, but not limited to:

- (a) Decreased concentration;
- (b) Impaired short-term memory;
- (c) Moderate depression;
- (d) Anxiety;
- (e) Increased irritability;
- (f) Social isolation;
- (g) Apathy;
- (h) PTSD; and

- (i) Nightmares and Flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, LINGZHEN WANG:

40. The injuries sustained by Lingzhen Wang as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Fractured right ribs #8 and #9;
- (b) Mild blunting of the right lateral-posterior costophrenic angle;
- (c) Swollen left knee; and
- (d) Swollen right wrist.

41. Since the collision, Lingzhen Wang continues to suffer from:

- (a) Pain in her right shoulder, lower back, and left knee;
- (b) Tinnitus and hearing loss;
- (c) Sensitivity to noise;
- (d) Impaired mobility;
- (e) Swelling in her knee;
- (f) Fatigue;
- (g) Numbness or tingling in the right hand;
- (h) Weakness; and
- (i) Sleep problems.

42. Moreover, Lingzhen Wang is experiencing cognitive, psychological and emotional disturbances, including, but not limited to:

- (a) Severe PTSD;
- (b) Severe anxiety;
- (c) Severe depression;
- (d) Apathy;
- (e) Reduced self-esteem;
- (f) Increased irritability;
- (g) Decreased concentration;
- (h) Impaired short-term memory;

- (i) Difficulty following a conversation;
- (j) Changed eating habits; and
- (k) Nightmares and flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, GENXING YU:

43. The injuries sustained by Genxing Yu as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Open facial wounds requiring multiple stitches;
- (b) Right clavicle fracture; and
- (c) Loss of consciousness.

44. Since the collision, Genxing Yu continues to suffer from:

- (a) Non-union of clavicle fracture;
- (b) Glass in his facial tissue;
- (c) Lower back strain;
- (d) Eye discharge;
- (e) Diminished use of right arm;
- (f) High Sensitivity to injuries;
- (g) Constant pain on the top of his head;
- (h) Headaches;
- (i) Tinnitus;
- (j) Dizziness;
- (k) Sensitivity to noise;
- (l) Decreased sense of smell;
- (m) Reduced vision;
- (n) Fatigue;
- (o) Numbness; and
- (p) Sleep disturbances.

45. Additionally, Genxing Yu is experiencing cognitive, psychological and emotional disturbances, including, but not limited to:

- (a) Severe PTSD;
- (b) Major Depressive Disorder;
- (c) Increased irritability and impatience;
- (d) Decreased ability to concentrate;
- (e) Impaired short-term memory and reading ability;
- (f) Anxiety;
- (g) Loneliness;
- (h) Somatic Symptom Disorder;
- (i) Social withdrawal;
- (j) Apathy;
- (k) Financial Stress; and
- (l) Nightmares and Flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, XI ZHU:

46. The injuries sustained by Xi Zhu as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Chest wall injury;
- (b) Fractured 11th rib; and
- (c) Lumbar strain.

47. Since the collision, Xi Zhu continues to suffer from:

- (a) Impaired mobility;
- (b) Pain in his back near the 11th rib;
- (c) Dizziness;
- (d) Blurred vision;
- (e) Numbness in the right leg; and
- (f) Sleep disturbances.

48. Moreover, Xi Zhu is experiencing cognitive, psychological and emotional disturbances, including, but not limited to:

- (a) Impaired short-term memory;

- (b) Social isolation;
- (c) Difficulty controlling temper; and
- (d) Nightmares and flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, JIANPING YE:

49. The injuries sustained by Jianping Ye as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Calcaneus avulsion fracture; and
- (b) Ear abrasion; and
- (c) Soft tissue contusion.

50. Since the collision, Jianping Ye continues to suffer from:

- (a) Impaired mobility;
- (b) Post-concussion symptoms;
- (c) Impaired balance and stability;
- (d) Pain in her neck, right shoulder, chest wall, right hip/buttock, and right ankle;
- (e) Dizziness;
- (f) Headaches;
- (g) Tinnitus;
- (h) Sensitivity to light and noise;
- (i) Decreased hearing and sense of taste;
- (j) Numbness and weakness;
- (k) Blurred vision; and
- (l) Fatigue and sleep problems.

51. Additionally, Jianping Ye is experiencing cognitive, psychological, and emotional disturbances, including, but not limited to:

- (a) Acute Stress Response;
- (b) Impaired memory;
- (c) Moderate depression;

- (d) Severe anxiety;
- (e) Loneliness;
- (f) Apathy;
- (g) Increased irritability; and
- (h) Nightmares and flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, GUIYUN CHANG:

52. The injuries sustained by Guiyun Chang as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Mild hem sinus within the left maxillary sinus;
- (b) Left eye corneal abrasion;
- (c) Injury of conjunctiva without mention of a foreign body;
- (d) Right and left shoulder rotator cuff tears;
- (e) Left shoulder rotator cuff Impingement Syndrome;
- (f) Sprain and strain of the lumbar spine;
- (g) Biceps tendinitis in both shoulders; and
- (h) Both Shoulder joint effusion and degenerative changes.

53. Since the collision, Guiyun Chang continues to suffer from:

- (a) Post-concussion symptoms;
- (b) Diminished use of the bilateral arms due to impairment at shoulders;
- (c) Impaired mobility;
- (d) Decreased balance;
- (e) Reduced, blurred and double vision;
- (f) Tinnitus;
- (g) Dizziness;
- (h) Reduced grip strength;
- (i) Numbness and weakness in muscles;
- (j) Sensitivity to noise and light;
- (k) Decreased sense of taste;
- (l) Pain in the left eye, left shoulder, right shoulder, and right knee; and

(m) Fatigue and sleep difficulties.

54. Moreover, Guiyun Chang is experiencing cognitive, psychological and emotional disturbances, including, but not limited to:

- (a) Impaired memory and attention;
- (b) Increased irritability and anger;
- (c) Decreased ability to read and concentrate;
- (d) Difficulties following a conversation;
- (e) Extreme Depression;
- (f) Severe Anxiety;
- (g) Social isolation;
- (h) Uncertainty about the future;
- (i) Reduced self-esteem;
- (j) Apathy; and
- (k) Nightmares and flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, YUXIAN LU:

55. As a result of the motor-coach collision, Yuxian Lu has experienced a severe psychiatric reaction and has been diagnosed with Acute Stress Disorder and Sleep Disorder. Since the collision, Yuxian Lu is experiencing cognitive, psychological, and emotional disturbances, including, but not limited to:

- (a) Physiological and psychological stress levels are "very high and above the normal range";
- (b) Extreme Depression;
- (c) Severe anxiety;
- (d) Mood swings;
- (e) Constant mid-back pain;
- (f) Tinnitus;
- (g) Dizziness;

- (h) Decreased appetite;
- (i) Daytime dysfunction;
- (j) Cognitive fatigue;
- (k) Decreased ability to concentrate;
- (l) Impaired memory and organization;
- (m) Impaired word finding;
- (n) Difficulty making decisions;
- (o) Confusion;
- (p) Loneliness;
- (q) Afraid of being alone;
- (r) Thoughts of self-harm;
- (s) Reduced sense of self;
- (t) Apathy;
- (u) Increased irritability;
- (v) Nightmares and flashbacks of the collisions; and
- (w) Survivor's guilt for the loss of her best friend of 40 years.

AS TO THE DAMAGES OF THE PLAINTIFF, ZHAODI CHEN:

56. The injuries sustained by Zhaodi Chen as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Concussion; and
- (b) Mild head injury.

57. Since the collision, Zhaodi Chen continues to suffer from:

- (a) Severe symptoms of Post-Concussion;
- (b) Headaches;
- (c) Tinnitus;
- (d) Dizziness;
- (e) Decreased hearing;
- (f) Decreased sense of taste and smell;
- (g) Blurred vision;

- (h) Sensitivity to light, noise and cold temperature;
- (i) Fatigue;
- (j) Numbness in hands;
- (k) Tremors;
- (l) Clumsiness;
- (m) Weakness and general deconditioning;
- (n) Pain in back and both knees;
- (o) Constipation; and
- (p) Sleep disturbances.

58. Additionally, Zhaodi Chen is experiencing cognitive, psychological and emotional disturbances, including, but not limited to:

- (a) Insomnia;
- (b) Post-Traumatic Stress Symptoms;
- (c) Suicidal ideations;
- (d) Extreme depression;
- (e) Severe anxiety;
- (f) Decreased ability to concentrate;
- (g) Impaired short-term memory and word-finding ability;
- (h) Impaired ability to understand words and instructions;
- (i) Difficulty making decisions and organization;
- (j) Slow thought processing;
- (k) Cognitive fatigue;
- (l) Loneliness;
- (m) Uncertainty about the future;
- (n) Increased irritability and impatience;
- (o) Tangential thinking;
- (p) Hearing voices in her head; and
- (q) Nightmares and flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, WENCUN DING:

59. The injuries sustained by Wencun Ding as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Open wound of scalp;
- (b) Laceration on the forehead with bleeding requiring sutures;
- (c) Oblique fracture through the distal shaft of the 5th metacarpal bone;
- (d) Laceration on right cheek;
- (e) Deviation of the nasal septum;
- (f) L3 extruded backward;
- (g) 4th metacarpal bone fracture;
- (h) Soft tissue swelling in hand; and
- (i) Possible comminuted fracture of left wrist triquetrum.

60. Since the collision, Wencun Ding has been diagnosed with and continues to suffer from:

- (a) Post brain trauma syndrome;
- (b) Post-traumatic periorbital edema;
- (c) Localized edema of the left hand;
- (d) Foreign body found in right cheek;
- (e) Diminished use of the left arm and hand;
- (f) Impaired mobility;
- (g) Pain in the neck, left shoulder, left hand, lower back, and left leg;
- (h) Scars on forehead;
- (i) Lymphoid hyperplasia; and
- (j) Sleep disturbances.

61. Moreover, Wencun Ding is experiencing cognitive, psychological, and emotional disturbances including, but not limited to:

- (a) Extreme depression;
- (b) Severe anxiety;

- (c) Impaired concentration and memory;
- (d) Decreased reading ability;
- (e) Slow thought processing and decision making;
- (f) Overwhelmed;
- (g) Social isolation;
- (h) Reduced self-esteem;
- (i) Apathy;
- (j) Increased irritability; and
- (k) Nightmares and flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, JINFENG HOU:

62. The injuries sustained by Jinfeng Hou as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Right hip contusion;
- (b) Right hip and lower back strain;
- (c) Right knee strain with ongoing swelling; and
- (d) L3 extruded backward.

63. Since the collision, Jinfeng Hou has developed several complications and is suffering from:

- (a) Ongoing swelling and pain in her back and knee;
- (b) Headaches;
- (c) Edema in her right knee;
- (d) Impaired mobility;
- (e) Dizziness;
- (f) Decreased hearing in the right ear;
- (g) Sensitivity to noise;
- (h) Numbness and tingling in the right hand;
- (i) Fatigue;
- (j) Weakness and reduced grip strength; and

(k) Sleep disturbances.

64. Moreover, Jinfeng Hou is experiencing cognitive, psychological, and emotional disturbances, including but not limited to:

- (a) Decreased ability to concentrate;
- (b) Impaired short-term memory;
- (c) Uncertainty about the future;
- (d) Apathy;
- (e) Increased irritability and impatience;
- (f) Restlessness and agitation;
- (g) Loneliness; and
- (h) Flashbacks and nightmares.

AS TO THE DAMAGES OF THE PLAINTIFF, QIFANG HU:

65. The injuries sustained by Qifang Hu as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Left knee contusion.

66. Since the collision, Qifang Hu has been diagnosed with and is currently suffering from:

- (a) Post-Traumatic Stress Disorder;
- (b) Major Depressive Disorder, single, moderate;
- (c) Post-concussion symptoms;
- (d) Reduced vision;
- (e) Ongoing pain around the occipital area and both knee;
- (f) Blood sugar out of control, requiring doubling the dosage;
- (g) Dizziness;
- (h) Sensitivity to light and noise;
- (i) Fatigue;
- (j) Weakness in muscles; and

(k) Sleep disturbances.

67. Additionally, Qifang Hu is experiencing cognitive, psychological, and emotional disturbances, including, but not limited to:

- (a) Severe Depression;
- (b) Severe anxiety;
- (c) Changed eating habits;
- (d) Decreased short-term memory;
- (e) Decreased ability to concentrate;
- (f) Impaired word-finding, reading, decision-making skills;
- (g) Difficulty following a conversation;
- (h) Cognitive fatigue;
- (i) Uncertainty about the future;
- (j) Crying;
- (k) Loneliness;
- (l) Reduced self-esteem;
- (m) Apathy;
- (n) Increased irritability and self-neglect; and
- (o) Flashbacks and nightmares.

AS TO THE DAMAGES OF THE PLAINTIFF, LONGMEI LIU:

68. The injuries sustained by Longmei Liu as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Closed head injury with a loss of consciousness;
- (b) Infundibulum or aneurysm associated with the junction of the left A1 and A2 branches;
- (c) Facial abrasion;
- (d) Right shoulder soft tissue damage; and
- (e) Blow to the right eye.

69. Since the collision, Longmei Liu has been diagnosed with and continues to suffer from:

- (a) Severe symptoms of the post-concussion syndrome;
- (b) Post-brain trauma syndrome;
- (c) Constant daily headaches;
- (d) Impaired mobility;
- (e) Pain in neck, right shoulder, lower back and both knees;
- (f) Poor coordination of arms and legs;
- (g) Tinnitus;
- (h) Fainting or blackouts;
- (i) Decreased hearing and sense of taste;
- (j) Sensitivity to light, noise and temperatures;
- (k) Changed eating habits;
- (l) Tremors in jaw;
- (m) Numbness and weakness in muscles;
- (n) Blurred and double vision;
- (o) Clumsiness;
- (p) Fatigue; and
- (q) Sleep disturbances.

70. Moreover, Longmei Liu is experiencing cognitive, psychological, and emotional disturbances including, but not limited to:

- (a) Extreme Depression;
- (b) Severe anxiety;
- (c) Suicidal thoughts;
- (d) Uncertainty about the future;
- (e) Apathy;
- (f) Reduced sense of self and self-esteem;
- (g) Impaired attention and short-term memory;
- (h) Impaired organization;

- (i) Impaired ability to read and write;
- (j) Decreased problem solving and the ability to make decisions;
- (k) Difficulty speaking or pronouncing words;
- (l) Tangential thinking and verbosity;
- (m) Decreased concentration;
- (n) Slow thought processing;
- (o) Uncontrollable crying; and
- (p) Nightmares and flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, PINGRONG SUN:

71. The injuries sustained by Pingrong Sun as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Blow to her head;
- (b) Concussion;
- (c) Glass in her cheek tissue;
- (d) Vertigo; and
- (e) Ataxia.

72. Since the collision, Pingrong Sun has been diagnosed with and continues to suffer from:

- (a) Major Depressive Disorder, single episode, severe with psychotic symptoms;
- (b) Post-traumatic stress disorder;
- (c) All post-concussion symptoms at the severe level;
- (d) Somatic symptom disorder with predominant pain;
- (e) Nasal septum deviation to the left;
- (f) Constant floating in her eye;
- (g) Distended bladder;
- (h) Impaired mobility;
- (i) Pain in her right shoulder, left elbow and hip;

- (j) Impaired coordination of arms and legs;
- (k) Sensitivity to scars on her face;
- (l) Headaches;
- (m) Fainting or blackouts;
- (n) Tinnitus;
- (o) Vision impairments;
- (p) Fatigue; and
- (q) Sleep disturbances.

73. Additionally, Pingrong Sun is experiencing cognitive, psychological, and emotional disturbances including, but not limited to:

- (a) Severe Depression;
- (b) Severe anxiety;
- (c) Suicidal thoughts;
- (d) Visual and auditory hallucinations;
- (e) Panic attacks;
- (f) Impaired memory and attention;
- (g) Impaired word finding and thought processing;
- (h) Impaired organization;
- (i) Confusion;
- (j) Inability to read, write or do arithmetic;
- (k) Self-neglect;
- (l) Decreased concentration and difficulty making decisions;
- (m) Cognitive fatigue;
- (n) Loneliness;
- (o) Apathy; and
- (p) Nightmares and flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, XUEMEI ZHOU:

74. The injuries sustained by Xuemei Zhou as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Contusion of part of the head;
- (b) Epistaxis;
- (c) Polytrauma; and
- (d) Soft tissue damage.

75. Since the collision, Xuemei Zhou has been diagnosed with and continues to suffer from:

- (a) Pain in her head, neck, left shoulder, right wrist, and lower back;
- (b) Worsening symptoms of Allergic Rhinitis;
- (c) Diminished use of her left arm;
- (d) Headaches;
- (e) Dizziness;
- (f) Giddiness;
- (g) Tinnitus;
- (h) Sensitivity to light, temperatures, and noise;
- (i) Changes eating habits;
- (j) Weight loss;
- (k) Weakness;
- (l) Reduced grip strength on left side;
- (m) Fatigue; and
- (n) Sleep disturbances.

76. Additionally, Xuemei Zhou is experiencing cognitive, psychological, and emotional disturbances including, but not limited to:

- (a) Extreme Depression;
- (b) Severe Anxiety;
- (c) Decreased concentration;

- (d) Impaired memory;
- (e) Impaired reading;
- (f) Difficulty following conversations;
- (g) Uncertainty about the future;
- (h) Social isolation;
- (i) Reduced self-esteem and sense of self;
- (j) Apathy;
- (k) Increased irritability; and
- (l) Nightmares and flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, GUIYING XU:

77. The injuries sustained by Guiying Xu as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Right Colles' fracture, comminuted intra-articular impacted distal radial fracture with apex dorsal angulation of the distal radial articular surface;
- (b) T11 vertebrae compression fracture and bone hyperplasia;
- (c) Degeneration of thoracic vertebrae;
- (d) Fracture to right ribs #5, 7, 9, & 10;
- (e) Trace pelvic ascites;
- (f) Subcutaneous fat stranding in right chest wall;
- (g) Mild interstitial pulmonary edema;
- (h) Trace of right pleural effusion;
- (i) Left head frontal abrasion; and
- (j) The ulnar styloid process torn away from the base.

78. Since the collision, Guiying Xu continues to suffer from:

- (a) Diminished use of the dominant right arm and hand;
- (b) Soft tissue swelling in right wrist joint;
- (c) Post-concussion symptoms;
- (d) Lumbar degeneration and L2-L3-L5/S1 herniated discs;

- (e) T12 hemangioma;
- (f) Impaired mobility;
- (g) Decreased balance;
- (h) Pain in neck, right shoulder, right wrist and hand, right hip and chest wall;
- (i) Dizziness;
- (j) Giddiness;
- (k) Decreased hearing;
- (l) Changed eating habits;
- (m) Decreased sense of taste;
- (n) Reduced vision;
- (o) Sensitivity to light and noise;
- (p) Weakness in muscles;
- (q) Reduced grip strength;
- (r) Fatigue; and
- (s) Sleep disturbances.

79. Additionally, Guiying Xu is experiencing cognitive, psychological, and emotional disturbances including, but not limited to:

- (a) Extreme Depression;
- (b) Severe Anxiety;
- (c) Decreased ability to concentrate;
- (d) Impaired word finding and reading ability;
- (e) Impaired memory and attention;
- (f) Uncertainty about the future;
- (g) Social isolation;
- (h) Reduced self-esteem and sense of self;
- (i) Apathy;
- (j) Irritability and anger; and
- (k) Nightmares and flashbacks.

AS TO THE DAMAGES OF THE PLAINTIFF, ZUYAO ZHENG:

80. The injuries sustained by Zuyao Zheng as a result of the subject motor-vehicle collision include, but are not limited to:

- (a) Abrasion on the top of the head requiring 4 sutures;
- (b) Abrasion to his forehead above the right eyebrow requiring 6 sutures;
- (c) Cuts to his left hand requiring 2 sutures; and
- (d) Irritated retina.

81. Since the collision, Zuyao Zheng continues to suffer from:

- (a) Blurred vision in right eye;
- (b) Stiffness in the scar area above the right eye;
- (c) Dizziness;
- (d) Sensitivity to light;
- (e) Tiredness;
- (f) Numbness;
- (g) Eye fatigue; and
- (h) Sleep disturbances.

82. Moreover, Zuyao Zheng is experiencing cognitive, psychological, and emotional disturbances including, but not limited to:

- (a) Moderate Depression;
- (b) Mild Anxiety;
- (c) Forgetfulness;
- (d) Uncertainty about the future;
- (e) Difficulty controlling temper; and
- (f) Nightmares and flashbacks.

RELATED LOSSES

83. The Plaintiffs submit that they have sustained serious and permanent impairments of important physical, mental or psychological functions within the meaning of s. 267.1 of the *Insurance Act*, R.S.O. 1990, c. i.8, as amended, such that the Defendants are liable for all injuries and losses sustained by them as a result of the aforementioned collision.

84. Due to their injuries, the Plaintiffs have been required to undergo extensive and prolonged medical rehabilitation including, but not limited to, physiotherapy and psychotherapy services. As a result of the injuries sustained by the Plaintiffs in the aforementioned collision, they have been put to medical and other out-of-pocket expenses and will continue to incur such expenses in the future. The Plaintiffs claim for past and future expenses for medical and rehabilitative treatment. The full details of the out-of-pocket expenses are not available at the time of the issuance of this Statement of Claim. The Plaintiffs undertake to provide the full particulars of the out-of-pocket expenses prior to the trial of this action.

85. Further, the Plaintiffs claim for damages for loss of income, loss of competitive position in the employment market and/or other economic loss, in amounts yet to be determined. As further result of their collision-related injuries and impairments, the Plaintiffs have been unable to perform their housekeeping and home maintenance tasks as they were able to prior to the collision. The Plaintiffs have relied on the attendant care and assistance of others and/or have incurred expenses in this regard and will continue to do so in the future. The full details of the out-of-pocket expenses are not available at the time of the issuance

of this Statement of Claim. The Plaintiffs undertake to provide the full particulars of the out-of-pocket expenses for Loss of Income, Attendant Care, Housekeeping, Adaptive devices, home modifications, etc., prior to the trial of this action.

86. In addition to the injuries sustained by the Plaintiffs, the *Family Law Act* Plaintiffs, Wanli Wang, Chengxian Wang, Zeyang Wang, Huimin Sun, Hanxiao Mao, Jin Zhu, Zhongde Chen, Weihua Yu, Fangliang Lyu, Ji Jiang, Zhaoqing Yu, Rui Liu, Qihong Zhang, Qilong Hu, Guoliang Xia and Yuxian Hu, have and will continue to incur expenses for the benefit of their families and will continue to provide attendant care, housekeeping and other services for them. They are now forced to take on more responsibilities in addition to aiding them. They have been deprived of the care, comfort, companionship, and support that they would have otherwise received from their families. The Plaintiffs advance their claim pursuant to the provisions of the *Family Law Act*, for their loss of past and future care, comfort, companionship, and support; the particulars of which are not available at the time of the issuance of this Statement of Claim.

87. The Plaintiffs hold the Defendants responsible for the injuries sustained by them. The Plaintiffs plead and rely upon the *Negligence Act*, R.S.O. 1990, c.N.2 as amended; the *Insurance Act*, R.S.O. 1990, c. I.8, as amended; the *Highway Traffic Act*, R.S.O. 1990 c.H.8; the *Public Transportation and Highway Improvement Act*, R.S.O. 1990, c. P.50; the *Family Law Act*; and such further and other legislation as may be relevant to the instant case, and the common law.

88. The Plaintiffs propose that this action be tried at Ottawa.

Date of Issue:

DEC 04 2019

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Plaintiffs

and

JIA QI, UNION TOUR EXPRESS INC et al
Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
OTTAWA

STATEMENT OF CLAIM

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