



Court Testimony from Experts @ BEC

Excerpt from *Russell v. Turcott*, 2009 ABQB 19 released Feb. 6, 2009

Justice Rooke from Calgary, Alberta awarded the following to Ms. Russell after commenting upon, interpreting and accepting Ms. Brown's evidence:

Loss of income - Past: **\$155,000**

Loss of income - Future Earning Capacity: **\$100,000**

Future cost of care : **\$111,500**

Housekeeping - Past: **\$43,300**

Housekeeping - Future: **\$25,000**

Brown Economic was asked by plaintiff's counsel to calculate the cost of care award based on the assumptions set out by Justice Rooke in the *Reasons for Judgment* filed Feb. 6, 2009. The total, with pre-judgment interest but *excluding* the special damages of \$16,600, came to **\$434,800**, *excluding* pre-judgment interest on the past loss of income and past housekeeping loss.¹ (Prejudgment interest added a further \$30,800 to this total).

Excerpts from Justice Rooke's decision in *Russell* are reproduced below. In commenting upon the economic evidence presented, Justice Rooke began with these comments:

"A good summary of the following information [about Ms. Russell's employment and income history] is contained in Ms. Brown's report, Exhibit 32, at pp. 24-26..." (para [5], footnote (4))

"Ms. Cara Brown...was presented by the Plaintiff, and accepted by the Court, as an expert in labour economics, and testified to her report on the issues of loss of income and loss of housekeeping capacity." (para [280])

There was no opposing economic expert hired to rebut Ms. Brown's report in this case. Justice Rooke, however, undertook a very detailed and precise examination of the various economic assumptions, data, and approaches used by Brown Economic in their report on Ms. Russell's behalf. These are some of the main findings by Justice Rooke:

- He accepted Brown Economic's calculation of past income loss almost entirely, but *increased* it slightly (from \$150,500 to \$155,000) because he interpreted the negative

¹ Equivalent to {\$155,000 + \$100,000 + \$111,500 + \$43,300 + \$25,000}. The figure of \$111,500 was calculated after the trial for future cost of care and verified in Rooke, J.'s *Supplemental Reasons for Judgment* filed April 16, 2009, cited as *Russell v. Turcott*, 2009 ABQB 236.

contingencies that we had applied in the past loss period to be "negative contingencies [that] unnecessarily penalize[d] Ms. Russell." (para. [288])

- Justice Rooke commented favorably on the presentation in Brown Economic's report of showing the pre-judgment interest separately and the past losses with *and* without the pre-judgment interest. (para [289])
- Justice Rooke did not concur with a period of loss for Ms. Russell until age 60 (retirement age) given the "contingencies and uncertainties" over such a 32-year period.(para [303])
- Justice Rooke commented at length on the HALS/PALS approach used by Brown Economic, and accepted not only the regression analysis that had been undertaken, but also realized that Ms. Russell's impairments were described as "moderate" and that this dovetailed with Dr. Berendt's vocational assessment of Ms. Russell. Nonetheless, Justice Rooke was alive to some of the concerns about the data, in that the two surveys are not directly comparable (the definition of disability changed between the HALS survey in 1991 and the PALS survey in 2001), that the estimates of loss differ between surveys (the percentage wage loss estimates are larger from the PALS survey than from the HALS survey), and that the description of the approach was described with words such as 'possibility' and 'could'. (paras. [298], [300], [303], [304], [305], [306])
- Justice Rooke also grappled with the application of HALS/PALS to Ms. Russell because even though he concurred with Ms. Brown's statement that '[it] is *sometimes* difficult to quantify how disabling conditions may translate into loss of earnings' [emphasis added] (para [304] - indeed, Justice Rooke said that being *sometimes* difficult is an understatement in Ms. Russell's case), in Ms. Russell's case her injury had been manifesting itself at the date of incident and a few years thereafter, but it was not certain that it would "occur sometime in the future". (paras. [307], [308], [310], [311], and [312]) Justice Rooke appeared to want to assess any award accurately given that Ms. Russell's impairments could either resolve after attendance at a chronic pain clinic, or that she could still experience a future loss of income in the long term (para [312]). Justice Rooke summarizes the dilemma that he sees in this case in para. [313]:

"Where there would be a clear determination of a future loss of income, and a reasonable assessment of its playing out over time, the type of analysis done by Ms. Brown should be applied at the appropriate level of severity of impact, on a most reasonable assumption of occupation. However, that is not clear here. Nevertheless, I am prepared to accept that there is some *existent* contingency for potential future loss of income. But again, the *extent* of that contingent loss is not clear. Where the *existence* of loss is uncertain, even where accepted, and the *extent* of loss is not clear, I believe it appropriate to contemplate a form of "quick start" (my term) with a lump sum payment for the contingency. " (para [313])

- Justice Rooke's final decision with regard to Ms. Russell's potential loss of income in the future resulted in a lump sum award of \$100,000 (para. [316]). He subsequently referred to several loss schedules in the Brown Economic report that corroborated the magnitude of this figure (see para. [318]). For discussions relating to the HALS/PALS methodology,

please see the [Working Paper 2008-26](#) posted at the University of Calgary website and **Brown's Economic Damages Newsletter** issues:

- “Proving economic loss when injury isn’t obviously manifest & magnitude of impact unknown at settlement” [November/December 2007, vol. 4, issue #8](#)
- “2001 PALS (Participation & Activity Limitation Survey) Results: Wage gaps due to disability” [June 2005, vol. 2, issue #6](#)
- “Additional findings from the 2001 PALS, with comparisons to the 1991 HALS” [July/August 2005, vol. 2, issue #7](#)
- Justice Rooke's decisions with regard to past and future losses for housekeeping began with a review of Ms. Brown's evidence but found that the total hours that Ms. Russell had reported, in comparison to statistics (also provided in the Brown Economic report) was "inflated". On this basis, Justice Rooke reduced the past loss of housekeeping to \$43,300. (para. [372])
- For the future loss of housekeeping claim, Justice Rooke used the table in Brown Economic's report (pages 118-119) but instead of extending the loss to age 80 (the usual cut-off age), Justice Rooke only extended the loss for a 10-year period and used Brown Economic's cumulative present value column to locate the lump sum amount of \$25,000. (para. [375])

The remaining excerpts are directly from the *Reasons for Judgment* released on Feb. 6, 2009 in *Russell v. Turcott*, 2009 ABQB 19. No changes have been made to any of the excerpts, with the exception that we have omitted some paragraphs (designated by the symbol "...") that are not directly relevant to quantum; and we have emphasized a few phrases. When such emphasis augments the text, we have placed the phrase [emphasis added] at the end of the paragraph.

Excerpts

[287] I find that Ms. Russell is entitled to a loss of past income to the date of trial, and, with the delay in this decision, to December 31, 2008, for a seven year loss of income. I come to this conclusion, for the reasons that follow from my above analysis, namely that during that time period she remained unable to work as a result of causes lying at the feet of the negligent Defendants.

[288] However, proving the benefit of rebuttal argument, Ms. Russell’s Counsel pointed out the differences between the scenarios at pages 94 and 106 of Ms. Brown’s report. The examination I have done since shows that the negative contingencies she applies to the A2 photo lab scenario are much higher in percentage than in the A1 store manager scenario (as seen in the “Negative Contingencies” columns at pages 95 and 107, the results of which were summarized at pages 96 and 106 respectively), resulting in a significant impact on the loss of income claim. While there is theoretical support for greater contingencies for a more junior photo lab position than a more senior store manager position, especially over a longer period of time, I believe that the strict adherence to this theory in the short term is not consistent with the most likely scenario for a young person, without incident in the years 2002 to trial. Accordingly, I find that the strict

application of these negative contingencies unnecessarily penalizes Ms. Russell. In the result, rather than doing a calculation to reverse or modify these assumptions that I believe are prejudicial and unrealistic in the short term, I have qualitatively increased the award that I would have otherwise awarded, to \$155,000.

[289] I noted the above to be without interest, a discussion of which will follow below. Ms. Brown's numbers were stated with interest but the interest free amounts were also disclosed. I believe it important to separate the two components to show more clearly what is lost income and what is the cost of a delay in payment of the lost income (damages versus interest).

B. Future Loss of Earning Capacity

[290] There was no cross-examination of significance on Ms. Russell's future loss of income claim, other than to note Ms. Russell's short work history as a predictor, the difficulty of determining future income in cases such as this, and the flat rate of income reduction each year calculated for the loss. In argument, Defence Counsel argued against any award for her future income loss, taking the position that Ms. Russell did not suffer any continuing injury that could be attributed to the collision.

...

[298] Ms. Brown opined on two scenarios (HALS/PALS referenced above), including other economic assumptions and contingencies, that make a difference with respect to future loss of income (Exhibit 32, p. 15). She summarized this to have the "economic assumptions" of "delay in returning to work and then HALS/PALS decrease in the without-incident income due to injuries resulting from the incident". This was applied by her to demonstrate an absence from the labour force for approximately one year after trial, which I will extend to one year after these Reasons, because the funds from the judgment herein were not available to Ms. Russell in the intervening year. Then, assuming a moderate disability²², she applied (scenario B1) a low reduction in with incident income of 10% for HALS, or alternatively, (scenario B2) a higher reduction in with incident income of 29% for PALS, with an adjustment to each of the A1 "retail store manager" scenario or the A2 "photo lab occupation" scenario discussed above under loss of past income, in each case to age 60.

[299] The future economic assumptions and contingencies (positive or negative) applied to generate the numbers are summarized at pages 16 to 18 for income loss claims, and the calculations shown in the schedules (e.g. p. 95), providing the detailed results are valued (discounted for future loss of income), for each year (e.g. p. 94 - thus, the last column of p. 95, becomes column 2 of p. 94).

[300] In addition to the opinion represented in the summary at page 15, Ms. Brown provided different reductions in income both as a percentage (based on the regression analysis for each level of disability for each survey, applied annually to retirement) of HALS or PALS, and as to the degree of disability (p. 53) . The most modest scenario of mild disability at 7% HALS under scenario A2 (photo lab) would produce a future loss of income of \$86,000 post trial. The most serious scenario of competitively unemployable under scenario A1 (retail store manager) would produce a future loss of income of \$716,500. The other scenarios are in-between.

²² The percentage of reduction is, according to Ms. Brown's response to questions by the Court, derived from the regression analysis she conducted (as discussed below), and the appropriateness of a moderate disability is, generally, based on Dr. Berend's assessment.

[301] Under any of the scenarios, it appears that Ms. Russell needs an immediate (as soon as she can get in) inter-disciplinary chronic pain clinic program, for which I have allocated below sufficient monies for such future care. The waiting time to get in (hopefully minimal) and the actual program and follow-up will take, in my estimation, close to a year. Thus, that is the minimum time it will take for Ms. Russell to re-enter the employment field, in either of Dr. Berendt's two scenarios, but is essential for his "wishful thinking" second scenario to be fulfilled. As I explain below, ***that would result in a future loss of income for 2009 of approximately \$25,000.*** (emphasis added)

[302] Obviously, what happens after the chronic pain clinic program is a matter that is not only related to the condition caused by collision, but also - I believe even more importantly - to Ms. Russell's dedication to the help she gets and her determination to get better completely, or as much as reasonably possible. Indeed, I believe that, after taking the chronic pain clinic program (that she should have had, but for impecuniosity, about five - six years ago, as discussed above), she can achieve the "wishful thinking" second scenario contemplated by Dr. Berendt. Moreover, I believe that even at its worst case scenario (as discussed in the next paragraph), but with full participation on her part, her remaining disability should be mild to moderate at worst.

[303] ***I am not prepared to look at a long term disability over Ms. Russell's life (to retirement at age 60) which is a 32 year period, because I find there are too many contingencies and uncertainties over that period of time.*** I note in this regard that the range of future loss of income damages is very broad depending on whether there is a mild disability to an effectively completely competitive unemployment - a range going from \$86,00 to \$716,500. Given this range, Ms. Brown picked a moderate disability with a range from \$99,500 to \$184,500 for the lower B2 (10% reduction in with incident income in the HALS scenario) to the higher range of \$187,000 to \$297,000 B1 (29% reduction in with incident income in the PALS scenario). The difference in percentage reduction, as I understand it, is that the HALS survey from 1991 only recommends a 10% reduction in income, but the PALS survey from 2001 recommends a 29% reduction in income in the same individual, each assuming a moderate disability. The percentage alternatives change depending on the analysis of the extent of the disability (p. 53). (emphasis added)

[304] In discussing HALS and PALS, Ms. Brown noted (p. 30) that "[it] is *sometimes* difficult to quantify how disabling conditions may translate into loss of earnings" [emphasis added]. This statement seems to be an understatement in Ms. Russell's case. In cross-examination, Ms. Brown noted the exception is catastrophic cases where the individual would clearly never work again, or, alternatively where retraining and/or job placement has been completed pre-trial.

[305] She went on to look at HALS and PALS in the scenario, as mentioned, where a "plaintiff's impairment is predicted to reduce ... earnings capacity in the future, even if s/he is holding the same job or earning the same salary at the date of valuation". The PALS survey is the most current of the two (2001 as opposed to 1986 and 1991). It is the successor to HALS, and the major differences are summarized in footnote 10 of page 34 of her report. In examination by the Court, she said that the PALS was more reliable because of its improvement, although in re-examination she acknowledged that HALS remained "robust" data. However, in her report, she noted (pp. 37 - 38) that PALS also contains, as HALS does not, as I understand it, the "very severe" disabled person, which I believe inflates the scale somewhat beyond what is present in this case. She also noted that the "estimates of the impact of milder [as opposed to severe]

disabilities are substantially and significantly larger” than previous studies of the impact of disability, but suggests, in effect, that PALS results from improved methodology.

[306] There are number of other concerns with the data, but I will only mention a couple. It is also to be noted (p. 46) that the categories of severity of disability are not directly comparable, with more moderate to severe reporting in PALS. The PALS estimates for disability are also double HALS for motor vehicle collision victims (p. 47) . There is also a lack of precision and a significant amount of speculation between the differences in terminology (explanations using words, and their derivatives, such as “possibility” and “could” are, unfortunately frequent). While the Court is not expert on such matters, and while an analysis of the effects of disability on earnings seems prudent (see the analysis of Veit J., in *dicta*, in *Dabrowski v. Robertson*, 2007 ABQB 522 (CanLII), 2007 ABQB 522, 419 A.R. 359 paras. 158-164), in less than complete disability cases, these and other potential factors reflected in Ms. Brown’s report, in my view, call for some caution in using either HALS or PALS data, or certainly PALS data alone.

[307] However, both surveys are said to be used “where the impairment of injury *will occur sometime in the future* in terms of the impact on earnings, but is not explicitly manifesting itself at the date of incident or a few years thereafter” [emphasis added] (Exhibit 32, p. 34). However, here the injury was manifesting itself on the date of incident and a few years thereafter, but it is not certain that some or any impairment “will occur sometime in the future”.

[308] Ms. Brown also went on to say (p. 35) that such survey information is, having regard to factors relevant in this case, “also ideal for cases in which “loss of opportunity”... has to be assessed but it may occur in the future ... because the ... true impact of the injury may only come with age.” While there is certainly a potential for “loss of opportunity” to result here in the future, it is, again, not certain whether there will be some or any development of a “true impact of the injury” in the future. Thus, while using statistics for income of persons with clear disabilities that have had an impact on earnings in the past, to forecast how other persons with clear disabilities will likely fare in the future sounds prudent, it is only helpful where there are clear disabilities that will certainly have an impact on earnings in the future. That is not certain, or the extent of it is not certain, here. Moreover, as Ms. Brown notes “the deficits shown in [HALS/PALS] must be treated with caution, because the gap in average characteristics could be due to factors other than disability”, which she said could be compensated for by regression techniques.

[309] Without getting into the theory of regression analysis (performed at pp.33 - 51) which is beyond my expertise, the data was analyzed to identify the gaps in earnings dependent on the severity of disability in Table 4-3 (p. 43). Ms. Brown relied on Dr. Berendt’s analysis and Ms. Russell’s completion of the 2001 PALS *Severity Scale Questionnaire* and HALS questionnaire to determine that Ms. Russell’s condition was “moderate” for either HALS or PALS.

[310] Thus, the difference in numbers is completely dependant on the use of HALS or PALS methodology and the degree to which Ms. Russell is motivated to move from a photo lab to a store manager occupation. However, again, as to the degree of severity, a finding of “moderate” was based on observations and a questionnaire before Ms. Russell has taken a chronic pain clinic program, so the assessment may have been much worse than after she takes the program, assuming appropriate motivation and determination.

[311] These issues leave me with a dilemma as to how to adequately, but not overly, compensate Ms. Russell for the loss of earning capacity *potentially* created in the future by the Defendants’

negligence. I say “potentially” because the likelihood of a long term loss in future income is not certain. This is not a catastrophic case or a case where retraining and re-establishment into the work force has happened pre-trial, picking up on Ms. Brown’s answer to Defence Counsel’s question in relation to her comment it is “sometimes difficult to quantify” how disabling conditions may translate into loss of earnings, as discussed above.

[312] With this uncertainty, I do not think it is best to average out long term loss of future income over a working life, as would be appropriate if clearly understood that there would be an *actual* loss spread over those years. In other words, Ms. Russell’s future loss of income may only last the next year after these Reasons. During this time Ms. Brown assumes the Plaintiff would improve her symptoms and do a job search, and I assume she would complete a chronic pain clinic program - with, possibly, absolutely no loss after that. Alternatively, I recognize that her future loss of income may be long term.

[313] Where there would be a clear determination of a future loss of income, and a reasonable assessment of its playing out over time, the type of analysis done by Ms. Brown should be applied at the appropriate level of severity of impact, on a most reasonable assumption of occupation. However, that is not clear here. Nevertheless, I am prepared to accept that there is some *existent* contingency for potential future loss of income. But again, the *extent* of that contingent loss is not clear. Where the *existence* of loss is uncertain, even where accepted, and the *extent* of loss is not clear, I believe it appropriate to contemplate a form of “quick start” (my term) with a lump sum payment for the contingency.

[314] Let me elaborate. Several experts have suggested that with a chronic pain clinic program, proper conditioning, and a good attitude, a return to work would be very therapeutic. Alternatively, expansion of Ms. Russell’s home based business could be a reasonable substitute for external employment. Thus, I am not prepared to consider a long term disability from a loss of future income scenario. Rather, on all of the evidence, I believe a more positive position needs to be taken that requires Ms. Russell to get appropriate treatment, and to be pro-active and motivated to return to a normal life, with no (or little) future loss of income. In spite of Dr. Berendt’s opinion that this is “wishful thinking”, I believe Ms. Russell has the ability to accomplish it. Yet, there remains the potential contingent loss that might arise at any time, or from time to time during her working life that needs to be recognized.

[315] Thus, in addition to the one year complete loss of income in the future (2009) that I anticipate for her chronic pain clinic program and work place employment/business establishment, I will award her a further sum, in consideration of an adjustment period of equivalent to three full years income, at the high end of the alternative employment scenarios (A1) and the high end of the PALS survey (B2).

[316] ***The result is that I award Ms. Russell a one time, lump sum of \$100,000 for potential future loss of future income capacity.*** I arrive at this by awarding her the rough equivalent of the four years without incident CAI (contingency adjusted income) in column 2 of page 100, for the years 2009 - 2012 inclusive. (emphasis added)

[317] As noted above, the first purpose of this is to provide approximately one year (2009) for a multi-disciplinary pain program and conditioning, as well as to enable Ms. Russell to conduct a job search or to more firmly establish her home business. The remaining award is a contingency fund which I hope she will not require. The whole matter is, subject to matters beyond her control, in her hands, with an early and proper inter-disciplinary chronic pain clinic program, and

a full follow-up on all aspects of its recommendations. Alternatively, Ms. Russell can sit at home and do nothing for the next four years (or three years after the clinic) and use up this award. In the further alternative, she can do part time work as in one of Ms. Brown's scenarios, subject to the aforementioned limitation, the choice is hers.

[318] In this regard, I note that alternatively, even under the worst case scenario (A2/B1), Ms. Brown contemplates Ms. Russell having an annual incident CAI of between \$17,500 to \$18,000 per year for the four years following these Reasons and a loss of only slightly more than \$3,000 in each of those four years following. Put in other terms, I note that the \$100,000 fund would more than match (by \$25,000 approximately) the lowest scenario of A2/B1 (p. 106), after the one year clinic (post judgment), almost beyond age 60 in 2040. At the other end of the scale, I note that the \$100,000 fund, in relation to the highest scenario of A1/B2 (p. 100), after the one year clinic (post judgment), would carry that scenario out to approximately age 37, in 2018. The other scenarios are A1/B1 (p. 94) to 2025 (age 45) and A2/B2 (p. 112) also to 2035 (age 40) each roughly the same. Ms. Russell is free to follow any one of the above scenarios, or to follow one of her own making. Again, subject to the aforementioned limitation, the choice is now hers.

D. Housekeeping

1. Past

[362] The evidence of Ms. Russell and her fiancé, Larry Olson, is that they did not expend any funds or incur any debts in relation to getting housekeeping help from the time of the collision to trial. Rather, her fiancé helped her in these activities. In effect, he did whatever she could not do.

[363] In his opening statement, Counsel for the Defendants argued that this should be included in the general damage award, and in closing argument, relied upon *Thiessen*, at para. 78.

[364] I do not accept *Thiessen* as the proper state of the law on housekeeping. Indeed, earlier than that, I dealt with the law on housekeeping in *Thibert v. Zaw-Tun*, 2006 ABQB 423, 64 Alta. L.R. (4th) 41, at paras. 252 - 259...

...

[367] Counsel for Ms. Russell argued that Ms. Brown's evidence of \$60,500 should follow "[w]ith the exception of some adjustments to those calculations based upon the Court's enquiries of Ms. Brown".

[368] Based on the evidence before me, I am satisfied that there are housekeeping tasks which Ms. Russell has not been able to perform and which have been taken over by her fiancé. As such, applying the principles in *Thibert*, it is clear that this does result in a separate head of pecuniary damages.

[369] Ms. Russell claims \$60,500 inclusive of interest (\$53,500 without interest), for pre-trial loss of housekeeping (\$56,500 without interest rounded to end of 2008), based on Ms. Russell's evidence and Ms. Brown's report (Exhibit 32, *inter alia*, pp. 15, 18 - 19, 61 - 72, and 117 - 119) (both pre and post trial), most specifically in pages 118 - 119. The calculation takes the hours of housekeeping expected without and with incident, annualizes the total, applies a replacement rate of \$12 per hour to determine the replacement cost, then applies a number of negative

contingencies, and finally present values the result (this approach adds interest before trial and applies a discount after trial).

[370] As noted, as to quantum, the amount to end of 2008, based on Ms. Brown's calculations, without interest represents \$56,500.

[371] Ms. Brown compared (Table 6-3, p. 66) Ms. Russell's pre-incident housekeeping reported habits (27.5 hours per week) to Statistics Canada averages of similar statistical subjects (12.1 hours per week). In cross-examination, she noted, in effect, that the statistical information was understated, in comparison to Ms. Russell, in two categories, namely laundry and gardening/pet. The chart also indicated that the statistical numbers were understated for meal preparation (2.2 versus 8.5) and indoor cleaning (1.5 versus 9), and overstated for shopping and services (5.3 versus 3). When questioned by the Court, Ms. Brown replied that she did not have the authority as an economist to use her judgment to change the reported numbers to the statistical numbers without more.

[372] However, the Court has the authority to use its judgment. I find the total reported, in comparison to the statistics, is inflated. An analysis of the data (partially upon cross-examination) was key to this finding. Applying judgment, I set the appropriate standard at 20.5 hours. This reduces indoor cleaning to seven hours (an average of one hour per day); laundry to three hours (constant attention is not required); and gardening/pet care to zero hours (there was no evidence she did gardening either pre or post collision or cared for pets pre-collision - in any event, the latter is not "housekeeping" but "recreation" or something else). Using broad rough factors (a more detailed calculation might be performed but with little, if any, significant difference, as discussed, directionally, between the Court and Ms. Brown), this would reduce the claim to 75% for the applicable years, which are, effectively 2001 to 2006. The total claim (before interest) for that period is \$49,539, of which 75% is \$37,150 (rounded). The numbers change for 2007 because of the trial date, and in 2008 (to return to the statistics after trial), but because of the delay in these Reasons, I am prepared to allow 75% of the 2006 result (75% of \$4,095, or \$3,071) for each of 2007 and 2008, for a total claim of \$43,300 (rounded) without more.

2. Future

[373] For future loss of housekeeping, the pre-incident weekly housekeeping hours were decreased from a reported time of 27.5 to 19.7 starting at age 27 (with further changes in increments thereafter) in accordance with statistics based on age (see pp. 77 and 79 (column 3) for the changes).

[374] Ms. Brown's calculations of loss of future housekeeping capacity, based on statistical estimates of time that should normally be expected to be spent, in relation to her assessment of Ms. Russell's ability to perform household tasks, represent an amount of \$84,500.

[375] Consistent with my analysis and expectation that Ms. Russell may be able to return to a pre-collision condition or manage her pain therefrom within a reasonable period of time, I am prepared to award a future housekeeping claim extending for a 10 year period. In reviewing Ms. Brown's report at page 118 - 119, I note the net present value of such claims for the 10 year period from the beginning of 2009 to the end of 2018 would be (slightly rounded) \$25,000 and I award that amount.