

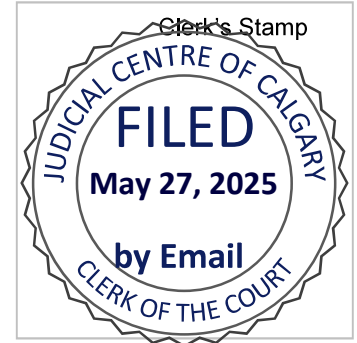
COURT FILE NUMBER      2001-13718

COURT                      COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE        Calgary

Plaintiff                   Amrit Gosal

Defendants                 Justin Klassen, Hi-Way 9 Express Ltd., John Doe  
I and Jane Doe I



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**Chambers**  
**ENDORSEMENT**

- [1] This is a personal injury proceeding.
- [2] The facts of this matter are relatively straightforward and largely uncontested. I will not set them out in detail here, as they are fulsomely described in the parties' written submissions.
- [3] Briefly, on October 27, 2018, at approximately 1:30 a.m., the Plaintiff was struck by a motor vehicle driven by the defendant Justin Klassen and owned by the defendant Hi-Way 9 Express Ltd. ("**Hi-Way 9**"). The vehicle was being driven by Mr. Klassen with Hi-Way 9's consent and in the ordinary course of Mr. Klassen's employment with that defendant. The collision happened on Highway 2, just south of the Highway 42 overpass. Ms. Gosal was on foot when Mr. Klassen's tractor/trailer struck her. By some miracle, she was not killed. However, she suffered serious injuries and seeks recompense for the same by way of this action.
- [4] Mr. Klassen and Hi-Way 9 bring this application for summary dismissal.
- [5] Under r. 7.3 (1) (b), a defendant may move for summary dismissal if there is no merit to the plaintiff's claim, or any part of it.
- [6] The modern test for summary judgment is well known. I need not repeat it here. It is accurately set out in the parties' written materials.
- [7] In my view, the evidence before me on this application establishes that Mr. Klassen met the requisite standard of care of an ordinary, reasonable and prudent driver in similar circumstances. In that regard, I note the Defendants' submissions at paragraphs 17-20 of their brief and adopt their reasoning as my own.
- [8] Further, in arriving at my decision, I give no consideration to the "Expert's Report" filed on behalf of the Plaintiff on August 2, 2024. That report is not properly before the court on this application.

[9] I conclude that the Defendants have met the onus imposed on them under both r. 7.3 (1) (b) and s. 186 (1) of the Alberta *Traffic Safety Act*. Accordingly, the application for summary dismissal is granted.

[10] If the parties cannot agree as to costs, they may make written submissions to me on that issue within sixty days of the date of these reasons. Any such submissions are not to exceed five pages in length, excluding appendices, tabs, etc.

**DATE OF DECISION: 2025-05-26**

Signed:  \_\_\_\_\_  
Applications Judge M. Park