

# **R. v. Sidhu**

## **Facts**

Just before 5:00 p.m. on Friday, April 6, 2018, a motor coach bus (the "Bus") that was transporting the Humboldt Broncos Hockey Team collided with a semi-tractor unit (the "Semi-Tractor Unit") that was being driven by Jaskirat Singh Sidhu ("Mr. Sidhu"). The Humboldt Broncos Hockey Team was travelling to Nipawin to play in a hockey playoff game. At the time of the collision, Mr. Sidhu was the sole occupant and driver of the Semi-Tractor Unit; there were 29 people on the Bus at the time of the collision. The collision occurred at the intersection (the "Intersection") of Highways 35 and 335 near the community of Armley in the Province of Saskatchewan. At the time of the collision, the Semi-Tractor Unit was traveling in a west bound direction on Highway 335. At the time of the collision, the Bus was traveling in a north bound direction on Highway 35. The Semi-Tractor Unit driven by Mr. Sidhu was connected to and pulling two trailers in a "Super B" configuration; the trailers were loaded with bales or packages of peat moss.

Shortly after the collision occurred, an RCMP Forensic Collision Reconstructionist attended at the scene and conducted an investigation. As a result of that investigation, a Forensic Collision Reconstruction Report (the "Report") has been prepared in relation to this matter and sets out more specific facts and details in relation to the collision.

A review of the Report sets out the following facts in relation to this matter:

- 1) the Semi-Tractor Unit did not stop prior to entering the Intersection. No tire skid marks due to braking were left by the Semi-Tractor Unit;
- 2) at the point of the impact, the Semi-Tractor Unit was traveling at a speed of 86 to 96 kilometers per hour;
- 3) immediately prior to the collision, the Bus driver applied the brakes to the Bus; the Bus started to skid approximately 24 meters south of the point of impact;

- 4) at the point of impact, the Bus was traveling at a speed of 96 to 107 kilometers per hour;
- 5) at the point of impact, the Semi-Tractor Unit, together with the two trailers, was completely in the intersection and spanning all lanes of Highway 35, when it was struck in a T-bone fashion by the Bus;
- 6) at the point of impact, the Bus struck the semi-trailer unit just forward of the wheels on the lead trailer. There was no way that Glen Doerksen, the Bus driver could have avoided the collision. An aerial view of how the two vehicles collided was depicted by the Accident Reconstructionist on pages 34 and 35 of the Report; and
- 7) There were no environmental conditions that contributed to the collision.
  - i) The road conditions and weather conditions at the scene were suitable for safe driving. The Intersection was clearly visible to Mr. Sidhu as he was approaching it prior to the collision.
  - ii) The sun did not interfere with Mr. Sidhu's ability to operate the Semi-Tractor Unit or view the Intersection.
  - iii) The obstructed sight line across the southeast quadrant, at the corner of the Intersection, was inconsequential because the proper signage was in place at the intersection. More specifically, the trees in the southeast quadrant, at the corner of the Intersection would NOT have obstructed Mr. Sidhu's ability to observe the Bus approaching the Intersection if he had stopped the Semi-Tractor Unit to check for traffic before entering the Intersection, as required by the posted signage.

At all times relevant to this incident, traffic traveling in a westerly direction on Highway 335 was required to stop at the intersection with Highway 35 as a stop sign was located on the north side of Highway 335 and on the east side of Highway 35. At all times relevant to this matter, there were no signs or traffic requirements which required traffic traveling on Highway 35 to slow down, stop or yield to traffic, traveling on Highway 335. Prior to the collision with the Bus, as the Semi-Tractor Unit driven by Mr. Sidhu was approaching the Intersection, Mr. Sidhu passed the following signs (see notes and photographs of the signs on page 42-43 of the Report):

- a) a "Junction Highway 35" sign located approximately 406 meters east of the Intersection;
- b) a "Stop Sign Ahead" sign located approximately 301 meters east of the intersection;

- c) a "Gronlid ahead/Tisdale left/Nipawin right" sign located approximately 199 meters east of the intersection;
- d) a "Highway 35 South/Highway 335 West/Highway 35 North" junction sign located approximately 104 meters east of the intersection; and
- e) a "Stop Sign" sign located approximately 19 meters east of the center of the Intersection.

It is noteworthy that at the time of the collision, the relevant stop sign was an "oversized" stop sign; it was 4 feet in diameter. The stop sign was affixed to the light standard on the North shoulder of highway 35 (approximately 19 meters from the center of the Intersection); there was also a functional red "traffic" light attached to the light standard, a short distance above the stop sign, that flashed once per second. (See photo on page 44 of the Report).

Highway 35 is considered to be a major arterial highway that connects the communities of Nipawin and Tisdale. At the time of the collision, one vehicle was stopped at the Intersection, heading in an Easterly direction on highway 335, waiting for the Bus to pass through the intersection before proceeding across highway 35. Two other vehicles were following the Bus at the time of the collision. At the time of the collision, the first vehicle (a car) following the bus was approximately 5 car lengths behind the bus and the second vehicle (a truck) was less than one mile behind the bus.

The driver of the Bus recognized the hazard as early as possible and took the evasive action of hard braking; the actions of the driver of the Bus did not contribute to the collision. The driver of the Semi-Tractor Unit failed to recognize the hazard and took minimal or no action in an effort to avoid the collision. The driver of the Semi-Tractor Unit failed to recognize that his vehicle was approaching an intersection and did not stop as required. The actions of Mr. Sidhu while operating the Semi-Tractor Unit caused the collision. As can be seen in the photographs on pages 8, 9 and 15 of the Report the collision resulted in massive damage to the bus, especially to the front portion of the Bus.

Alcohol and drugs were not a factor in the collision. Also, Mr. Sidhu is NOT believed to have been distracted as a result of using his cell phone at the time of the collision.

As a direct result of the collision, the following 16 people died:

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|---------------------------|-------------------------------|
| 1) Tyler Bieber, age 29;  | 9) Logan Hunter, age 18;      |
| 2) Logan Boulet, age 20;  | 10) Jaxon Joseph, age 20;     |
| 3) Dayna Brons, age 24;   | 11) Jacob Leicht, age 19;     |
| 4) Mark Cross age 27;     | 12) Connor Lukan, age 21;     |
| 5) Glen Doerksen, age 59; | 13) Logan Schatz, age 20;     |
| 6) Darcy Haugan, age 42;  | 14) Evan Thomas, age 18;      |
| 7) Adam Herold, age 16;   | 15) Parker Tobin, age 18; and |
| 8) Brody Hinz, age 18;    | 16) Stephen Wack, age 21.     |

14 of the 16 deceased individuals died at the scene of the collision; the remaining 2 deceased individuals died as a result of injuries they suffered during the collision, after being transported to hospital. The two individuals who died after being transported to hospital were Dayna Brons and Logan Boulet.

As a direct result of the collision the following 13 people were injured:

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|-------------------------------|-------------------------------------|
| 1) Graysen Cameron, age 19;   | 8) Layne Matechuk, age 18;          |
| 2) Brayden Camrud, age 19;    | 9) Derek Patter, age 19;            |
| 3) Kaleb Dahlgren, age 20;    | 10) Nicholas Shumlanski, age 20;    |
| 4) Bryce Fiske, age 20;       | 11) Tyler Smith, age 19;            |
| 5) Morgan Gobeil, age 18;     | 12) Ryan Straschnitzki, age 18; and |
| 6) Matthieu Gomercic, age 20; | 13) Jacob Wasserman, age 18.        |
| 7) Xavier Labelle, age 18;    |                                     |

A brief summary of the injuries of the survivors of the collision are set out immediately below:

1. **Graysen Cameron** suffered back injuries including a fractured L4 vertebrae, a femur avulsion fracture, a concussion, and a cracked orbital bone. Graysen had surgery in November to remove metal rods and screws that had been placed in his back in an attempt to improve his mobility.

He is currently in physiotherapy and rehabilitation.

2. **Brayden Camrud** suffered brain hemorrhages, some nerve damage to his left forearm, aspiration pneumonitis, as well as abrasions and small cuts to his hands.

At this time Brayden continues attending physiotherapy as a result of his injuries.

3. **Kaleb Dahlgren** suffered an acquired brain injury, head injuries including a fractured skull and scalp degloving as well as a puncture wound to the skull. He also suffered cervical or neck injuries including C3 and C7 fractures and cracks in his C4, C5, & C6 vertebrae. Furthermore, he suffered back injuries including fractures to his T6, T7, T8, and T9 vertebrae. He also had blood clots in one arm and behind one eardrum.

Kaleb continues to receive rehabilitation for the injuries he suffered. He is seeing a leading Neurologist in relation to his brain injury and in an attempt to determine if he will be able to play competitive hockey in the future. He is currently attending York University as a full time student.

4. **Bryce Fiske** suffered a neck fracture at his C1 vertebrae, the back of his skull was fractured, his left shoulder blade was fractured, his pelvis was fractured, his spleen was lacerated, his S1 vertebrae was fractured and his left lung was punctured. His jaw was fractured in 4 places, he is missing two teeth, and his tongue was severely injured. He was given a trach and has a significant scar on his lower lip and neck from the accident.

Currently, Bryce is able to move freely on his own. He has a significant amount of jaw pain and is still in treatment for his injuries. The majority of his treatment is for his jaw; he will require at least 1 more surgery for his jaw to be reconstructed. The range of movement and motion for his jaw is still limited and restricted at this time.

5. **Morgan Gobeil** suffered a traumatic brain injury. As a result of the collision he had multiple skull fractures and a significant intracranial injury. He also suffered 3 facial fractures, multiple minimally displaced right sided rib fractures, a fractured right kneecap, an open fracture of his right ankle, a liver laceration and a spleen laceration. In addition, he suffered multiple bilateral minor contusions and lacerations to his head, arms, hands and legs, including a laceration on his right knee.

Morgan is currently a patient on the Rehabilitation ward at City Hospital in Saskatoon. He takes part in intensive physical therapy sessions where he is working on balance, sitting on his own, standing on his own, and taking steps, but he has not been able to do any one of those things independently yet. In speech therapy, he works on breath/diaphragm strength and has to completely relearn to talk. Occupational therapy is working with Morgan on motor function and daily living tasks such as eating, brushing teeth, etc. Morgan is medically stable at this time. He takes daily medication to control seizures as a result of the traumatic brain injury he suffered.

6. **Matthieu Gomercic** suffered a separated shoulder injury (AC Joint), and a concussion (he had bleeding in the brain). He also suffered abrasions to his right hand and the right side of his chin. As a result of the accident, Matthieu's spleen was enlarged, his teeth shifted, and his jaw was slightly displaced. He had a laceration on his right foot and bruising to his knees. The laceration to his foot became infected and he was hospitalized to deal with the infection.

At this time Matthieu continues to get regular headaches as a result of the collision and has problems with one shoulder. In addition, Matthieu continues to deal with emotional issues as a result of the collision on a daily basis.

7. **Xavier Labelle** suffered a fractured skull, facial fractures and lacerations as well as a traumatic brain injury resulting in post-traumatic amnesia for 2 weeks. He will have a neuro-psych assessment in April 2019 as a follow up to the brain injury. As a result of the collision, he had deep lacerations including a 20 cm facial laceration from his hairline, down the middle of his forehead and across his nasal bridge and left eyelid as well as associated nerve palsy. He also suffered deep lacerations on his right occipital scalp. He now has scarring on his face, neck, head, arms, and back as a result of the trauma. These severe facial and other injuries made him unrecognizable, resulting in a mis-identification, to exacerbate the chaos, heartbreak, and complication for so many.

He suffered tears and sprains to his cervical spine ligaments. He had a right hemopneumothorax which required a chest tube, and bilateral severe pulmonary contusions. He suffered fractured ribs, a fractured scapula, a lacerated liver, a lacerated kidney, and a right sternoclavicular sprain. He suffered 16 fractures to his spine, including a burst L5 vertebrae which required surgery to stabilize. Unfortunately, at follow up in October, x-ray results showed that this fusion failed, indicated by two broken titanium screws embedded in the vertebrae, and loose rods, thereby requiring additional, and on-going investigation, medical/surgical assessment, which is currently in progress.

The L 5 burst fracture also damaged the nerves to both of his legs affecting the right side more than the left. This initially affected his walking significantly, which has improved, but will take 1-2 years before the extent of healing is known. There was nerve damage to his left arm resulting in left shoulder muscle atrophy, affecting range of motion, strength and mobility. Xavier underwent surgery on December 19, 2018 to try to repair the damaged nerve involving about a 25 cm incision. The success of this surgery will not be known for 6-12 months.

These injuries resulted in initial 62 days in the hospital and have required an entire year to be dedicated to recovery including many appointments, physiotherapy, additional radiation from X-rays, CT scans, and other treatment, additional surgery, and investigation procedures. Xavier continues to face daily challenges associated with the injuries inflicted on April 6.

8. **Layne Matechuk** suffered a very severe traumatic brain injury. He suffered extensive facial fractures (sinus, orbital and mandible). He had numerous skull base fractures and a sternum fracture. Both of his lungs collapsed and he fractured his 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> ribs. His right index finger was also dislocated. He has been released from the hospital but is still suffering with very significant injuries that are expected to be long term.

Layne is able to walk, but has a significant limp. Layne continues to have great difficulty using his one arm, in part as a result of the injury to his brain.

Moving forward, it is expected that the difficulties with Layne's leg and arm are expected to continue for the remainder of his life. It is not possible at this point to determine the extent to which Layne will recover from the Traumatic Brain Injury he suffered.

9. **Derek Patter** suffered a subdural hemorrhage, a right tibia (shin) fracture, a right fibula fracture and a nasal bone fracture as well as other significant cuts and bruises.

At this time Derek's recovery is ongoing. Derek continues to struggle at times with his leg. He was recently experiencing issues with his leg and visited with the surgeon who told him he still has healing to do, and that as a result of the rod in his leg, and screws still in his knee, his leg will never again be like it was before the accident.

10. **Nicholas Shumlanski** suffered a fractured right mastoid (behind the ear), and an L4 lumbar avulsion fracture.

Nick has been advised that the physical injuries to his ear may never heal but he does not expect that this particular injury will have a significant effect on him in the future. His back seems to have healed, but he continues to deal with emotional issues as a result of the collision.

11. **Tyler Smith** suffered 2 broken ribs, a broken shoulder blade, a broken collar bone and a punctured lung. Tyler had 6 inches removed from his small intestines due to the injuries he suffered. As a result of the accident, Tyler also suffered a stroke, and he is required to take aspirin daily; it is expected that he will require an MRI yearly going forward. Tyler also suffered severe nerve damage to his left shoulder and arm. He has recovered approximately 90% of the use of his hand, but doctors are unable to say whether he will ever regain 100% use of his hand again. While working on his broken collar bone, doctors were required to use a plate and screws in an attempt to repair the damage.
12. **Ryan Straschnitzki** suffered a "brain bleed" or stroke-like symptoms, concussion with memory loss, cracked right shoulder blade, collapsed right lung, bruising to the chest, neck and right side, chest contusion, altered or loss of sensation to right arm and right leg down to fingers and foot, right knee damage, as well as possible molar and partial plate damage.

At this time as a result of the accident Ryan continues to have no sensation to his lower body or his extremities.

In summary Ryan is now paralyzed from the chest down; he has the use of his arms and his hands. Ryan says his arms are now required to serve as his legs. This injury is expected to be a permanent.

13. **Jacob Wasserman** suffered a brain injury, a broken shoulder blade, a broken xiphoid bone (bone at the bottom of the breast bone), 5 fractured ribs, and nasal bone fractures. Both his left and right lung collapsed and he had mid back injuries (T9 and T10 fractures). He suffered a spinal cord injury which resulted in a complete lack of motor and sensory function below the level of his injury on his mid back.

In summary Jacob is now paralyzed from the navel down and it is expected to be a permanent injury.

Moving forward, Jacob's brain injury will be reassessed after one year, his lungs and broken bones, (except for his spine) have healed. He now has 2 Titanium rods and 10 screws in his back which cannot be removed for 2 years. Jacob attends physiotherapy approximately 3 times a week to get stronger and learn new ways to live with paralysis.