

Farris Partner, Michael Gianacopoulos,  
representing the Plaintiff.



*About Michael Gianacopoulos*  
Michael practises as general counsel and regularly appears in court on behalf of clients in corporate, commercial and related litigation matters; personal injury, motor vehicle and other transportation (road and rail) accidents and insurance claims; bankruptcy and insolvency (personal and commercial), debt collections, realization of personal and real property. Michael can be contacted by phone (604) 661-1705 or email: [mgianacopoulos@farris.com](mailto:mgianacopoulos@farris.com)

#### Vancouver

2500 - 700 W Georgia St  
Vancouver, BC  
Canada V7Y 1B3

Tel 604 684 9151  
Fax 604 661 9349

#### Kelowna

800 - 1708 Dolphin Ave  
Kelowna, BC  
Canada V1Y 9S4

Tel 250 861 5332  
Fax 250 861 8772

#### Victoria

208 - 852 Fort Street  
Victoria, BC  
Canada V8W 1H8

Tel 250 405 1980  
Fax 250 405 1984

[www.farris.com](http://www.farris.com)

# \$1 million for Turkish student hit by Hummer

By Ian Mulgrew

## THE VANCOUVER SUN

*As featured in the May 22, 2008 edition of The Vancouver Sun*

A Turkish student whose dreams of becoming a hotel manager were dashed when he was run over by a Hummer in West Vancouver has won \$1.06 million in B.C. Supreme Court.

In a decision released Wednesday, Justice Victoria Gray said Moe Samieian -- owner of Moe's Classic Rugs and Home Accessories -- was responsible for the accident that left 30-year-old Murat Dikey with severe brain trauma and other injuries. Dikey, who had come to help a friend move a piano from Samieian's West Vancouver home June 16, 2004, was standing beside the driveway when he was struck by the Hummer SUV and thrown 15 metres (50 feet).

Gray said Samieian and his company (which owned the vehicle) should pay \$1.065 million in damages. That includes \$215,000 for non-pecuniary damages; \$500,000 for lost earning capacity and \$350,000 for the cost of future care. She said Dikey also is entitled to an award for management fees to help get his life back in order, but that amount will be determined later. "Mr. Dikey's life has changed profoundly as a consequence of the accident," Gray said. "He is unlikely to work, and has lost the self-esteem, enjoyment and income that is available from work. "While he retains the ability to walk and talk and engage in the activities of daily living, his cognitive problems are such that he will require some assistance for the rest of his life.... He also suffers severe headaches. He has chronic pain in the neck. His pain and the lost function of his right wrist are likely to improve following surgery. He will likely have ongoing problems with his neck and back."

This was a case complicated by the two worlds in collision. It required a 20-day trial, primarily to determine whether the young man's condition will improve after surgery and following further psychiatric treatment. But also at issue was how to assess Dikey's future earning capacity: Was it likely that, but for the accident, he would have completed a graduate degree in Canada and worked in a Western country throughout his life? Samieian's lawyers argued Dikey would not have finished his degree and would have spent most of his life working in Turkey for a lot less money.

In the end, Gray agreed Dikey would not get the master's degree he hoped for, and he probably would have ended up working in Turkey. As a result, she significantly reduced the damages he would have received. Never a gifted student, Dikey spent four-and-a-half years completing a four-year university program in hotel management at Anadolu University in Turkey. He was more of a jock than a nerd. He played on the university basketball team and was active in tennis, running, weightlifting, soccer and skiing. Dikey was outgoing and social, a guy who enjoyed meeting people from various cultures and speaking to tourists in English. He came to Vancouver in March 2003 on a student visa hoping to improve his English through study here at Geos Language Academy, and afterwards take post-graduate business studies. He had chosen Vancouver because he thought it was safe and the weather was warm compared to the rest of the country.

By June 2004, Dikey had lived in Metro Vancouver for a little over a year and life was good. Then the accident happened. He has no memory of it. But Gray said that on that day, Samieian was moving from his home at 2790 Chelsea Close in West Vancouver. One of the contracted movers was a friend of Dikey's, and he came along to help them move a piano. Shortly before 8 p.m., Samieian got into the Hummer and reversed out of his driveway. The big SUV, however, apparently backed into a Mercedes parked across from the steep, sloping driveway. When Samieian shifted into drive, the Hummer lurched ahead and struck Dikey, who was standing on the driveway. The Hummer continued on to hit a nearby house. Gray says that today, Dikey mostly sits at home watching TV, playing video games or communicating on the Internet with friends. He sleeps a lot and goes to medical appointments. He is bothered by loud music, loud voices and bright lights. He is anxious when he is in a car or meeting new people. It is likely, she added, that Dikey will return to Turkey after the medical treatment he is receiving here.

*Michael Gianacopoulos is a Partner at Farris and can be contacted by phone (604) 661-1705 or email: [mgianacopoulos@farris.com](mailto:mgianacopoulos@farris.com)*