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## Fatal Accident in Aurora: Car vs. Motorcycle, Uninsured Status

A sad case arising from a car and [motorcycle accident in Aurora](#), in which the motorcycle crossed the centre median and violently crashed head-on with a car, killing the front seat car passenger and injuring the car driver; the motorcyclist died at the scene. To complicate matters, the motorcyclist was driving without valid insurance coverage.

The damages claims of the car driver and car passenger were resolved, but on the issue of liability, the question remained as to whether the other two motorcyclists riding close to the offending motorcyclist were, in part, responsible for causing or contributing to this accident: ***Mallory v. Werkmann, 2014 ONSC 971 (CanLII)***.

In fact, one surviving motorcyclist plead guilty to careless driving and the other surviving motorcyclist plead guilty to dangerous driving, both charges arising from this subject motor vehicle accident.

The three motorcyclists started their journey in central Toronto and drove for approximately 45 minutes, on roads (not the highway) with speed limits up to 80 km/hr. Before starting, the deceased motorcyclist attached a camera to his helmet that showed both his speedometer and his view of the road ahead, such that the 45 minutes of travel and the accident were captured on film.

The film showed that the other two motorcyclists were ahead of the filming motorcyclist during the entire 45 minute ride. They were generally speeding, making unsafe lane changes, did a wheelie while travelling approximately 150 km/hr (in a 80 km/hr zone) and even reached a speed at one point of 240 km/hr. At the time of the accident, the other two motorcyclists had pulled so far ahead that they were out of view of the deceased motorcyclist (and his camera) - the accident happened when the deceased motorcyclist accelerated to 195 km/hr and then simply lost control. Sadly, the other two motorcyclists returned back to the accident, not knowing that their friend was involved, and then when they were asked at the scene whether they knew the deceased, one of the two motorcyclists denied knowing the deceased and left the scene.



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Justice Lack found all 3 motorcyclists to have engaged in a common, joint venture to drive in an unlawful and negligent manner, with the video evidence showing the extended duration of their travels. As a result, the Court found the deceased to be 50% responsible for this accident and the surviving two motorcyclists 25% responsible each.

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