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### Personal Injury

## Daya launching lawsuits against nightclub security

By Rob Lamberti, AdvocateDaily.com Contributor



Toronto personal injury lawyer Jasmine Daya (<http://www.firemanlawyers.com/our-lawyers/jasmine-daya/>) says she's putting the final touches on two separate lawsuits involving nightclub security teams who allegedly used excessive force on her clients.

Daya, managing partner of Fireman Daya & Co (<http://www.firemanlawyers.com>), tells AdvocateDaily.com (<http://www.advocatedaily.com>) that both clients were allegedly assaulted in unrelated incidents.

One of her clients alleges he was assaulted defending his girlfriend who he claims was grabbed as she smoked in a non-smoking area.

The other incident involves a woman Daya alleges was assaulted for sitting on a closed bar rubbing her feet. The woman's boyfriend alleges he was also roughed up in the incident.

Daya says the woman was briefly arrested by police, but released after explaining the incident to them. The woman claims she was unable to move her left arm the next day, she says.

The cases, which have not been filed with the court, are separate although they involve the same Toronto bar, she says. At the moment, Daya says it's unclear if those accused of being involved are employed by the establishment or are working for a security firm hired by the club.

She says both clients are precariously employed, one who could lose clients if he can't work due to injuries, and the other works from contract to contract, she says.

"These are young people and I feel bad for them," Daya says. "They didn't see this coming and they don't have savings, working from paycheque to paycheque.

"I'm starting lawsuits on behalf of both of them," she says. "The claims are for pain and suffering for their alleged physical and psychological injuries.

"There will also be a claim for loss of income, past and any future losses, and out-of-pocket expenses," Daya explains, adding that cost of care will also be sought for possible future medical fees.

Club security doesn't have any more rights than ordinary citizens, she says. "Their job is to protect the customers of an establishment.

"Obviously having them is very beneficial — when there's an incident at a nightclub you want good security people," Daya says. "But sometimes these individuals may assume they have more rights than they do under the law and they act inappropriately."

She says in cases of motor vehicle crashes, auto insurance provides accident benefits that help cover medical and rehabilitation costs as well as income replacement. But the same can't be stated for the alleged incidents involving her two clients.

"In these kinds of cases, there's no protection," she says. "They have to bear the costs upfront and hope to get some sort of reimbursement later.

"I start these types of claims very quickly because I want to get to a swift resolution," Daya says.

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