



Case in Brief: **Hemmings v. Padmore**

Judgment of October 23, 2026 | On appeal from the Court of Appeal for Ontario
Neutral citation: 2026 SCC 34

The Supreme Court of Canada clarifies when healthcare providers can be held responsible for injuries caused by medical negligence.

During an emergency caesarian section, a pregnant woman suffered complications from anesthesia. She sustained severe and permanent brain damage. The woman and her family sued several healthcare providers involved in her care, alleging that their negligence had caused her injuries.

The providers who were sued included Dr. Padmore, an obstetrician who treated her during much of her pregnancy; Dr. O'Brien, one of the obstetricians on duty during the delivery; and Dr. Jamensky, the anesthesiologist on duty. The family of the woman also sued the hospital, alleging that a nurse had been negligent. In addition, they said the hospital had failed to communicate the woman's medical history to her obstetricians at the time of delivery.

The trial judge found Dr. Padmore and Dr. Jamensky responsible for the woman's injuries. He also found the hospital responsible for the nurse's negligence and for failing to communicate the woman's medical history. Although the judge found that Dr. O'Brien had been negligent, he concluded that her conduct had not caused the injuries and that she could not have reasonably anticipated them.

Dr. Padmore, Dr. Jamensky and the hospital appealed the decision. The Court of Appeal ruled in favour of Dr. Padmore and the hospital. It found that they were not legally responsible for the woman's injuries. However, it rejected Dr. Jamensky's appeal, leaving him responsible for the injuries. The woman and her family, as well as Dr. Jamensky, appealed to the Supreme Court of Canada.

The Supreme Court of Canada dismissed both appeals.

A healthcare provider can only be held responsible for a patient's injuries if their negligence caused the injuries and the risk of those injuries could reasonably have been anticipated.

Writing for a majority of judges, Justices Rowe and O'Bonsawin explained that determining responsibility for injuries caused by negligence involves two questions. First, the court must determine whether the defendant's conduct actually caused the injuries (factual causation). Second, the court must determine whether the person's injuries are too far removed from the defendant's conduct for them to be responsible (legal causation). This second question can be answered by asking whether the injury was a reasonably foreseeable consequence of the negligent conduct. This is also known as the remoteness of damage.

In this case, Justices Rowe and O'Bonsawin concluded that the trial judge had failed to adequately consider whether the injuries would have occurred even if the nurse had not been negligent. The judge had also failed to properly assess whether Dr. Padmore and the nurse could reasonably have anticipated the injuries.

As for Dr. Jamensky, Justices Rowe and O'Bonsawin said that his negligence causing the injuries was supported by witness testimony, expert evidence and medical publications. In the circumstances, and because Dr. Jamensky's conduct and the woman's injuries were close in time, the trial judge did not need to expressly consider whether the injuries would nonetheless have occurred. In other words, without Dr. Jamensky's negligence, the woman's injuries would not have occurred. The trial judge's finding that Dr. Jamensky was responsible for the woman's injuries therefore remains in place.

Breakdown of the decision: *Majority:* Justices [Rowe](#) and [O'Bonsawin](#) dismissed both the Hemmings' and Dr. Jamensky's appeals (Justice [Jamal](#) agreed) | *Dissenting in part:* Justice [Martin](#) would also have dismissed Dr. Jamensky's appeal, but would have allowed in part the Hemmings' appeal and restored the trial judgment against Dr. Padmore (Justices [Karakatsanis](#) and [Moreau](#) agreed) | *Dissenting in part:* Chief Justice [Wagner](#) would also have dismissed the Hemmings' appeal, but would have allowed Dr. Jamensky's appeal

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