

Skiing Hypothetical

π was skiing when δ negligently struck him from behind in November 2001. π 's face was bruised in the encounter and within a week he felt a slight pain in his hip. π knew these pains must have been caused by the ski accident, but he chose to "tough it out" and take aspirin to relieve his pain. He did not seek medical attention because he did not have health insurance and because the pains were minor.

The pain in the hip came and went over the next several months. Sometimes π had pain, other times there was no pain at all and it never affected π 's lifestyle. π continued to ski and, when Spring and Summer came, to play soccer. In August 2002, π noticed that his right hamstring felt tight. π presumed that he must have strained it while exercising and thought nothing of it. π began to stretch it on a regular basis, but to no avail.

In December 2002, the pain had migrated down to π 's knee. Recognizing that this could not be muscular, π sought medical attention. The physician informed π that he had suffered 3 herniated lumbar discs, likely on account of the ski accident the year before.

π undertook a regimented rehabilitation plan suggested by the doctor. The regime was unsuccessful and on July 2003 π had back surgery. After waiting six months to see if the surgery would work, it turned out it did not. π now lives with serious back pain.

π sued δ in December 2003. Assuming the discovery rule applies, when did the statute begin to run?