

SHARE PERSPECTIVES

a quarterly newsletter for
clients and friends of
David Share Associates,
Lawyers

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Free Disability Booklet

For your free copy of
*'Benefits Denied -
What To Do When
Your Insurance Company
Denies Your Disability Claim'*
call 416 488-9000



DAVID SHARE
ASSOCIATES • LAWYERS

We make a personal injury
and disability claim as
painless as possible.

IN PERSON:

Ron Matthews, Medical Doctor

With a proud family, a thriving practice in Family Medicine, and an active lifestyle, Ron Matthews had achieved many accomplishments. Until he discovered the cause of his sore back, he did not know that he had spent 52 years developing a long-term disability. His long-term disability insurance would only cover his needs short-term until David Share Associates won a case against his insurance company.

healthy and successful

By his mid-thirties, Dr. Matthews had a busy medical practice and a busy family life. Still with stamina to spare, he continued his lifelong sport as a long-distance runner. Around his 52nd birthday, however, he realized that years of pounding pavement as a runner and on his feet as a doctor was degenerating his lower back.

new challenge

Changing his habits to soften the effects on his lower back would allow Dr. Matthews to continue practising medicine and family life. Yet, paring back would have other consequences. His high-performance lifestyle included a healthy six-figure income. Reducing time at work (from 50 to 30 hours per week) would cause a massive reduction in family income. Replacing lost income became his next challenge.

insurance to replace lost income

Fortunately, he had private disability insurance. It included residual disability



benefits that would pay a proportion of his benefit based on actual loss of income. The policy's top-up would mean that if he suffered a 50% loss of earnings and his monthly benefit was \$7,000 then he would receive \$3,500 as his monthly benefit. This would adjust to actual reported earnings. His claim was accepted and benefits were paid – for a while.

medical solution triggers legal problem

After one year, the insurer began questioning both Dr. Matthews' lifestyle choices and the accuracy of the financial information he was providing. They suggested that he wanted to use the insurance benefits as an early-retirement fund and questioned whether he really would earn as much money as he claimed.

... see bottom of next page

TEAM PROFILE: David Share



David Share Associates has been serving Ontarians from Toronto for over 20 years. The practice continues to evolve, and as it develops, David is pleased to serve so many people who have been injured or disabled and need a good legal team to help secure justice, especially from insurance companies. David is also the proud father of two smart young women.

This autumn, his eldest daughter begins law school at Queen's University in Kingston, having completed her BA (Hon) degree in History at the University of Toronto. David's youngest daughter is enrolled in a 5-year concurrent studies program at the University of Toronto and the Ontario Institute for Studies in Education. She will earn a BA in English and a Bachelor of Education degree focused on teaching primary schoolchildren. An educated person himself, David is proud of his daughters' advances in life and in school.

David earned his Law degree from Osgoode Hall Law School, York University. He is now an Adjunct Professor at Osgoode Hall. A Barrister and Solicitor, he is licensed to practise law in Ontario and in New York State. A businessman also, he is Principal of David Share Associates. DSA is expanding

this autumn into the building next door and renovating the old building. The growth and expansion of DSA is rooted in serving people.

DSA helps people who face some of the most difficult situations. It is gratifying for David that DSA plays a role in providing compensation to people for their setbacks as well as financial resources to help them carry on toward their goals.

Dedicated to the DSA mission, David says, "We are constrained by the limits of our legal system, and one is often left wanting to be able to accomplish more. Even so, we feel secure in knowing that we are doing as much as we possibly can to help our clients."

David adds, "When someone has had a positive experience with DSA and feels that we could help someone else with a similar problem, they make a referral. Then we get another opportunity to bring our resources to bear on securing the best possible outcome for them. It is always rewarding to receive referrals from past clients and other professionals. That is the highest compliment." 🌀

"Always be a first-rate version of yourself rather than a second-rate version of someone else."

... from Page 1 IN PERSON: Ron Matthews, Medical Doctor

He was continuing to serve his patients and to be a good family man while taking care of himself. Yet, this questioning added unexpected demands and new stress.

insurer sued for benefits + punitive damages

Though his lifestyle choices were sensible and his financial claims accurate, Dr. Matthews was not successful at resolving the challenges raised by his insurer. So, he retained David Share Associates to help secure his rights under his disability insurance policy. After extensive document-gathering, securing expert reports, and lengthy legal proceedings, an

agreement was negotiated. He received a lump-sum settlement.

good decision

Dr. Ron Matthews now finds satisfaction in continuing to serve his patients' medical needs while living life with a new, moderate balance. He says, "I had many thoughts over many days about how to deal with the denial of benefits. Making that first call to David Share Associates proved to be one of my best decisions. The results DSA got for me now enable a good life for me and my family. Thank you David Share." 🌀

Ask A Lawyer

Q: What are *punitive damages* and how can I include them when I sue my insurer?

A: To sue for *punitive damages* is to seek a penalty that an insurance company must pay under court order when the insurance company has acted with blatant disregard for the validity of a claim. Awards for punitive damages are meant to send a message to the insurance company to alter its ways. Still, the Supreme Court of Canada has severely limited cases where the option of suing for punitive damages is available.

Claims for mental distress or aggravated damages can also be made when the courts will consider whether a claimant has been forced to cash in RRSPs or to sell their home. Insurance companies almost never agree to compensate for such damages in a negotiated settlement. They generally fight such claims relentlessly.

Q: How does the court gauge and award punitive damages?

A: The courts are reluctant to make such awards unless the evidence is glaring and offends the sensibilities of most people. Also, the courts will not award punitive damages when they believe that the actions of the insurance company are consistent with generally accepted business practices regarding insurance claims. Therefore, an extensive examination of the procedures and practices of the insurance company is necessary to pursue claims for punitive damages. ☞

Share Perspectives readers are invited to write in with questions for *Ask A Lawyer*. Watch future issues for questions from your fellow readers. One question per person. Send your question to AskALawyer@sharelawyers.com.



You Said It!

“I was very happy with how David Share Associates treated me. Their staff was fair and compassionate. I was very satisfied with the results.” – *Gregor Samsa (long-term disability)*

“Every person I dealt with at DSA related to me with respect and care. Their knowledge and professionalism quickly earned my complete trust. Winning the case was a natural outcome.” – *Diana Harding (slip and fall)*

“I needed a good lawyer and I got a great legal team. Thank you.”
– *David Green (long-term disability)*

“Although the world is full of suffering, it is full also of the overcoming of it.”
– Helen Keller

Smile

Doctor to man: “You had a great check-up. Is there anything that you’d like to talk about or ask me?”

Man to Doctor: “Well, I am considering a vasectomy.”

Doctor to man: “That’s a pretty big decision. Have you talked it over with your family?”

Man to Doctor: “Yes. They’re in favour 15 to 2.”

Did You Know . . .

Four Expert Tips about Disability Insurance

1. **DO** read your insurance policy. Get familiar especially with the part of your policy that describes the procedure for filing a claim.
2. **DON'T** sign anything from the insurance company without carefully reviewing it first. It could possibly be used against you.
3. **DON'T** let too much time pass. There is a statute of limitations on a disability claim.
4. **DO** contact David Share Associates at 416-488-9000 for a free initial consultation if your disability claim is denied. Consider the same opportunity for any friend, co-worker, or relative anywhere in Ontario.

Gratitude



David Share Associates (DSA) is a leading Toronto personal injury and disability claim law firm. DSA concentrates on serious injuries, death claims, insurance disputes, and disability coverage disputes in Ontario. Following an accident or illness, DSA helps people to get the support they need and deserve.

We care enough to stand by you through your claim and after your settlement. *Share Perspectives* is one way we keep in touch. We also respect your confidentiality. If you want us to add or remove your name and address from the *Share Perspectives* mailing list, then write to newsletter@sharelawyers.com. When you recommend DSA, that is our best advertising. 📧



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