

SHARE PERSPECTIVES

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

In This Issue:

Slip and Fall Injuries

In Person1

Team Profile2

Did you know? ..2

Laugh2

Ask-A-Lawyer ...3

You Said It!3

Head Injuries4

Gratitude4

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

Dominica De Sousa – Factory Worker

She slipped

On a cold day in December 2003, Dominica De Sousa set out with a warm heart to go shopping for Christmas presents for her loved ones at her local shopping mall. On her way into the mall, Dominica slipped on some ice. She fell to the ground, striking her head and hip on the concrete.

She fell

That brief incident changed her life. Her right hip was fractured and she underwent surgery to repair it. She has also suffered from headaches— often severe. Despite a painful introduction to an unwanted situation, Dominica’s story concludes favourably – more favourably than the mall’s insurance company initially offered.

First Aid

At the accident scene, a mall security guard showed up. The guard called Dominica’s family and an ambulance to the scene. She was taken to emergency and soon after was having surgery.

Enter the adjuster

While Dominica was still recovering from the surgery, she was contacted by an insurance adjuster who wanted to take a statement about the circumstances of the incident. The adjuster visited her in the hospital and took her statement without anyone else present.

Sign for the money

In February 2004, while still recovering, Dominica received a letter from the adjuster’s insurance company. It said that the investigation was complete. They regretted that they could see no liability resting on the shopping mall for the incident. However, as a gesture of good faith, they offered her a one-time payment of \$2,000.00 provided that she sign an enclosed Release. That would prevent her from making any further claims regarding the matter.

Enter DSA

Dominica was not sure what to do. The



\$2,000.00 offered would not even cover her lost wages. She did not want to cause any problems. Still, her friends advised her to consult a lawyer. She then contacted and decided to retain David Share Associates, who took over the handling of the case.

Mediation

After putting the adjuster on notice, and a further denial letter came from the insurance company, DSA started a lawsuit. Then, after several court proceedings and exchanges of paperwork, the lawyers for the shopping mall and for the snow removal company agreed to private mediation to expedite the case.

Perseverance + DSA = Award

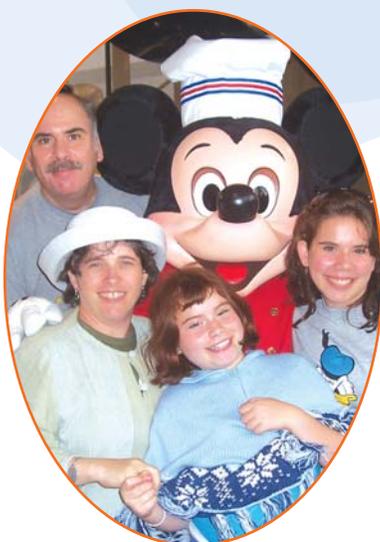
After a lengthy mediation in April, 2005, Dominica’s case was settled for the all-inclusive amount of \$127,500.00 – quite an improvement over the \$2,000.00 that had been offered.

64 times the offer

Dominica was glad that she had decided to get David Share Associates involved in her case, particularly since she had been on the verge of accepting the small offer while fed up with the hassles of dealing with the adjuster. Once the insurance settlement money arrived, Dominica said, “Thank you David Share Associates. Next Christmas will be merry again.”

*All names have been changed to protect the
privacy of the individuals mentioned.*

Team Profile: Shira C. Bernholtz



Shira and her family

Shira C. Bernholtz, Client Services Lawyer

Many clients at DSA get to know Shira as the lawyer who provides comforting support and detailed explanations about the legal process. Shira loves helping disabled and injured people and their families to feel appropriately involved and included.

understanding manner

A Theatre major before law school, Shira developed the empathy of an actress. People appreciate her understanding manner and professionalism. She often directs clients to resources for financial help and other support services.

important service

Shira also spends time preparing legal summaries and briefs in preparation for court. She provides counsel on settlements so that clients understand and feel empowered. Of the satisfaction that comes from practising law in a client-service mode, Shira says warmly, "I simply love helping people."

balanced life

Shira enjoys family time with her husband and two daughters. Like their mother, both girls have career hopes involving stage performance. They recently enjoyed a family vacation at Disneyworld, and look forward to extended-family gatherings this season. 

Did You Know...

Insurance Company Shredded Documents to Avoid Paying Victims – Whistleblowers

• "Although the world is full of suffering, it is also full of the overcoming of it."

– Helen Keller

"State Farm Insurance supervisors systematically demanded that Hurricane Katrina damage reports be buried or replaced or changed so that the company would not have to pay policyholders' claims in Mississippi," two State Farm insiders told ABC News.

have come forward making statements and disclosing internal documents that they allege prove "widespread fraud" aimed at denying Katrina-related insurance claims.

Kerri and Cori Rigsby are independent adjusters and worked exclusively for State Farm for eight years. Now, they

A lawyer for State Farm, Wayne Drinkwater, denies that State Farm cheated policyholders or pressured outside engineers to reach particular conclusions in their damage reports. 

Laugh



An off-duty police officer, familiar with RADAR for checking speed, drove through a school zone within the legal speed limit when the flash of a camera suddenly went off, taking a picture of his car and license plate.

Thinking that the RADAR was in error, the officer drove by again, even more slowly. Another flash. He did it a third time, at an even slower speed. Same result. So, he made a note to contact the traffic department and tell them that their machine was not working properly.

A week later, the same police officer received an envelope from the police department containing three traffic citations - each was for not wearing a seatbelt. 

Ask-A-Lawyer

Slip and Fall

Q: I tripped over some broken pavement at a small shopping plaza and fractured my knee. Is this something you can help me with?

A: Defective parking lots or other defects causing injury can lead to a successful claim for compensation. The factors involved include whether there was something you did to contribute to the fall, or if the owner of the property was negligent. There are time limits to pursue such claims. So, to ensure that your rights are protected, contact us shortly after something like this occurs.

Alcohol and Responsibility

Q: What if I had a few too many drinks at the local pub and got injured falling down the stairs when leaving the pub?

A: Drinking alcohol is a personal responsibility. Sometimes, excessive drinking can prevent you from getting compensation. However, if the stairs you fall down were in bad condition, or there was poor lighting, or the pub over-served you alcohol, these factors could result in

the pub or the owners of the property being liable to compensate you.

Compensation

Q: What sorts of things do people get compensated for in a slip and fall case?

A:

- Damages for your pain and suffering.
- Past, present, and future loss of income.
- Medical and rehabilitation expenses including retraining, assistive devices, transportation costs, and other such losses.
- A portion of your legal expenses.
- Repayment to the Ontario Ministry of Health for expenses incurred in treating you.

Have a Question?

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



• "Challenges are what makes life interesting. Overcoming them is what makes life meaningful."

– Joshua J. Marine

You Said It!

"I had a slip and fall accident. With David Share Associates, I was treated respectfully and carefully by knowledgeable people who were always available to me. Impressive."
– C. Corbett

"My sincere thanks for a tidy victory. Thanks to all in your office – Shira Bernholtz in particular – for being an understanding and helpful team. Going with my "gut feeling" was the right thing to do."
– L. Fox

"David Share made it smooth, worry free, and made me feel confident. I will recommend David Share Associates to my friends and my family, for sure."
– A. Smiyth

"Professional, courteous and caring is how I would describe David Share Associates. I was very pleased with the manner in which our claim was handled."
– L. Jackson



Head Injuries Now Fewer – Thanks to Helmets



Nowadays, everybody expects to see helmets on hockey players. Helmets are now normal on bicyclists, too. Yet, many parents get a surprise when their children begin sports not strongly associated with helmet use – such as horseback riding – and are asked to provide a protective helmet.

Helmet use catching on

Trail-riding horses is generally associated with moderate cantering and fun galloping – not with falling off and getting a concussion. Still, just as teens at skateboard parks are expected to wear helmets, so trail riders and those taking horseback riding lessons are now more often asked to wear a protective helmet. Expect to wear a helmet playing lacrosse or rollerblading, too.

Acquired brain injuries down

The social benefits of helmet use include a significant decline in traumatic head injuries over the past decade. According to the Canadian Institute for Health Information, 16,811 people were admitted to Canadian hospitals for head injuries in 2004. That was down almost 35% from 25,665 in 1995.

One big pay-off

Whether embraced seriously or as casual pastimes, more sports are adopting helmet use across Canada – even traditionally bare-headed sports. The big pay-off is not just style or aerodynamics, but fewer acquired brain injuries. 

Q: Why did the librarian slip and fall on the library floor?

A: She was in the non-friction section!

Thanks to Alan Mandel!



A. Donaldson

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, send e-mail to newsletter@sharelawyers.com. When you recommend DSA, that is our best advertising. 



DAVID SHARE
ASSOCIATES • LAWYERS

Head Office:
David Share Associates
3442 Yonge St.,
Toronto, Ontario,
Canada, M4N 2M9

Phone: 416-488-9000
Toll-Free Phone: 1-888-777-1109
Email: legal@sharelawyers.com

www.sharelawyers.com
www.sharedisabilitylaw.com